

**IN THE ENVIRONMENT COURT
AUCKLAND**

UNDER Section 88 of the Heritage New Zealand Pouhere Taonga Act 2014

IN THE MATTER OF An authority granted to Fletchers Residential Ltd to modify or destroy archaeological sites at 545-561 Ōruarangi Road Māngere under Section 48 of the Heritage New Zealand Pouhere Taonga Act 2014.

BETWEEN Betty King (Kuia of Makaurau Marae)

First Appellant

Pania Newton on behalf of herself and other members of Makaurau Marae

Second Appellant

Ngā Kaitiaki o Ihumātao Charitable Trust

Third Appellant

SOUL Ihumātao

Fourth Appellant

Heritage New Zealand Pouhere Taonga

Respondent

STATEMENT OF EVIDENCE BY IAN THOMAS LAWLOR ON BEHALF OF THE APPELLANTS

9 MARCH 2018

(with tracked changes 25 Mar 2018)

1. INTRODUCTION AND SUMMARY STATEMENT

Introduction

- 1.1 I, Ian Thomas Lawlor, Archaeologist of Grey Lynn, Auckland, give the following statement of evidence.
- 1.2 In the following statement, endnotes are used for comprehensive and detailed references to provide some clarity and facilitate reading. The statement contains new unpublished manuscripts that have not previously been accessed and researched. The names of agencies, repositories or sources, are given in full when first used, and acronyms are used afterwards [see square brackets]. Some Uniform Resource Locator [URL] addresses link to relevant Web resources and information, and the statement is concluded with References (with dates using the day and the first three letters of the month then the year), and Attachments.
- 1.3 See Attachment 1 for the Part 1 location plan of Schedule 9AB Ōruarangi Road, Māngere special housing area [SHA], sourced from the *Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014* (LI2014/219).
- 1.4 I am providing evidence on behalf of the Appellants. My statement addresses the archaeological and historic heritage issues of the Ōruarangi Special Housing Area [SHA], hereafter called the subject property. This has been variously referenced as Allotments 175 and 176, Parish of Manurewa or 545 and 545-561 Ōruarangi Road, Māngere, Auckland.¹ The title deed documents are 81A/600, Lot 1 DP 481169 and Lot 2 DP 481169 (URL: [Auckland Council ArcGIS Map Viewer](#), accessed 21 Feb 2018).
- 1.5 See Attachment 2 (SO 236) and Attachment 3 (SO 237) for copies of the original 28 May 1866 colour survey plans that include the subject property. These were sourced from Land Information New Zealand [LINZ] Christchurch.²
- 1.6 For historical clarification, on the first official government survey plan of the Ihumātao confiscation block (LINZ SO 236 and SO 237, 28 May 1866), the subject property was referenced first by lot numbers 13 and 14 that had been allocated by John Henry Lowe, who was a Government licenced civil engineer and surveyor under the *Native Lands Act 1862* (refer to *New Zealand Gazette* 12 Oct 1865); at the time he was working for the Native Land Court [NLC] and Compensation Court.³ Lowe's survey numbers were

used for the first advertisement of the sale of Ihumātao block ‘waste lands’ and their subsequent auction. The Government Survey Office had by this time allocated the formal Allotment (or Lot) numbers 175 and 176, Parish of Manurewa, Auckland, and these were listed on the Crown Grant issued 28 December 1867 that had previously been purchased at auction by Gavin Struthers Wallace 17 July 1866.⁴ (See Historic Records discussion for more information on John Henry Lowe’s confiscation block surveys.)

Summary Statement

- 1.7 Reference to Attachments 4 will be helpful in the following discussion: (i) Attachment 4a for a copy Fletcher Residential Ltd [Steve Evans] (6 June 2017) HNZPT authority application; (ii) Attachment 4b - the internal HNZPT (9 Sep 2017) assessment of the Authority 2018/64 application; (iii) Attachment 4c - HNZPT Maori Heritage Council [MHC] (27 Sep 2017) meeting agenda ‘Otuataua Stonefields – Archaeological Authority Application’ with a copy of Paper No. MHC 2017/09/01 File No. 2018/064 11013-006; (iv) Attachment 4d - HNZPT MHC (27 Sep 2017) ‘Extracts from the Minutes of the Special meeting of the MHC held on Wednesday, the 27th of September’; and (v) Attachment 4e - HNZPT (27 Sep 2017) Authority 2018/64 and approval letter.
- 1.8 It is my opinion that Heritage New Zealand Pouhere Taonga [HNZPT] has made a mistake in granting Authority 2018/64 for the near total destruction of a unique regionally significant heritage landscape located across the subject property.
- 1.9 It is my opinion that the decision was based on a weak revised Assessment containing flawed assumptions and evaluations (i.e. it was not robust), and a process which was defective (i.e. it did not follow legal requirements), for the following reasons:
 - (a) Parts of a British Admiralty survey chart are reinterpreted in the revised Assessment as being indicative and primary hydrographic and cartographic records are ignored (Byron Drury’s Manukau Harbour Chart published in 1860 and related 1853 survey plans of the Onehunga Channels and Papakura River).
 - (b) Primary historic records are generally absent and are without serious interrogation (manuscripts, deeds and newspaper reports).
 - (c) Personal perceptions in the archaeological Assessment are presented as facts without reference to primary historic records (Ailsa Blackwell’s oral account for the Wallace family).

- (d) Relevant landscape and contextual discussion is missing (hydrology and geomorphology).
- (e) The completed archaeological survey and analysis is incomplete and significance evaluations are highly subjective (historic field systems are relegated to being indicative rather than substantive, stone walls are evaluated as being of moderate local significance rather than high regional, and geophysical survey of reported European ‘evidence’ is given more weight than formally surveyed Māori field systems).
- (f) The archaeological Assessment, Plan and Strategy,⁵ together with the Authority Application,⁶ the internal HNZPT application assessment,⁷ HNZPT Māori Heritage Council [MHC] review,⁸ and granted Authority 2018/64,⁹ have all failed to recognise and provide for all landowner interests directly affected by the investigation and destruction of archaeological structures and features that are located across the boundaries of the subject property (e.g. R11/3000 drystone walls). The adjacent property landowners include: (i) Puketāpapa Papakāinga (through the owners of 511 or 525 Ōruarangi Road, adjacent to Lot 175) [here it is difficult to judge which property the archaeological excavations will directly affect]; (ii) Auckland Council (Auckland Transit and Heritage) for the Ōruarangi Road Reserve; (iii) Auckland Council (Properties and Heritage) for the old Rennie Homestead block at 619 Ōruarangi Road (Lot 177); and (iv) Auckland Council (Parks and Heritage) for the Ōtuataua Stonefields Historic Reserve [OSHR].
- (g) Simply put, the completed archaeological Assessment, Plan and Strategy are not robust (i.e. they are not fully researched, documented and recorded), to the point of being unable to be relied upon, and as a result HNZPT have failed in their statutory duty to protect archaeological sites, which cover the entire subject property.
- (h) Consultation was not full and complete (i.e. there is no proof of consent from all landowners affected by the proposed investigation activities), and the interests of all persons affected by the decision to grant Authority 2018/64 have not been considered (see Heritage New Zealand Pouhere Taonga Act 2014 [HNZPTA14]: s.4 (b)(iv); s.14(2); ss.46(2)(b), (c) and (h); and s.59 (1)(a)(iv)).
- (i) In addition, the HNZPT authority decision has been made without any direction from broader archaeological area studies or strategies

prepared to guide authority work (i.e. decisions are not informed or effective).¹⁰

- (j) Importantly, the cumulative effects of development and the destruction of archaeological and historic heritage in South Auckland has not been recognised and provided for in either the archaeological work completed for the subject property or the HNZPT authority decision-making process.
- 1.10 In my opinion, the revised archaeological Assessment is poor, and the work completed to date is incomplete and untested, and has confused the real value and significance of the archaeological evidence located across the subject property. Use of secondary sources without providing context within primary or comparative sources, is considered to be academically naive. Most importantly, the legal requirements to obtain all landowner consents that are not part of the area designated Ōruarangi SHA (i.e. Lots 175 and 176) have not been recognised and provided for within the completed Assessment, Plan and Strategy.
- 1.11 It is not known if Auckland Council has granted consent for the destruction of those parts of site R11/3000 (i.e. the boundary drystone walls) that are located within the Ihumātao Quarry Road Reserve that separate the subject property (refer to HNZPT Authority 2018/64 landowner consent requirement).
- 1.12 Overall, it is my opinion that the archaeological evidence across the subject property, both the recorded evidence and evidence that is expected to be present (based on the British Admiralty *HMS Pandora* 1853 survey of the Manukau Harbour), is regionally significant, if not nationally significant given the destruction of most similar heritage landscapes in South Auckland and New Zealand. The subject property contains some of the last vestiges of well preserved, relatively intact, and important unique Māori and European historic heritage in the region and the landscape is part of the longest continually occupied Māori papakāinga in the Auckland region with significant links to Kingitanga (see Murdoch 7 May 2009).
- 1.13 The modification and destruction of the subject property would give rise to significant adverse effects on historic heritage and archaeological values and the proposed development for the requirements of Section 6(f) of the Resource Management Act 1991 (RMA91) being the protection of historic heritage from inappropriate subdivision, use, and development.

1.14 As I stated in my Review of the archaeological Assessment (Lawlor 19 Oct 2009): “*The walls together with the other recorded structures and features (including the hawthorn and boxthorn hedgerow remnants, and puriri fence posts), are both unique and rare recorded examples in the Auckland region, and possibly New Zealand, given the Māori origins and single European ownership and use from 1867 to the present-day.*”

2. **QUALIFICATIONS, EXPERIENCE, PURPOSE AND SCOPE**

Qualification and Experience

- 2.1 My name is Ian Thomas Lawlor. Presently I am the sole director of Sustainable Heritage Consultants (SHC) Limited (incorporated Aug 2010) and provide archaeological and heritage conservation consultancy services.
- 2.2 The following discussion summarises my qualifications and experience and my curriculum vitae is appended with a full reference list of reports and publications (see Attachment 5).
- 2.3 I have the degree Master of Arts in Anthropology Archaeology (1979) and a Certificate of Proficiency in Planning Resource Management Law (1992), both from the University of Auckland.
- 2.4 I have been involved with the archaeology of the Auckland region for the last 40 years. I have lectured in the Department of Anthropology at the University of Auckland and have undertaken contract archaeology for the New Zealand Historic Places Trust [NZHPT], now HNZPT, and the University of Auckland. Previously, I have been employed as an archaeologist with the New Zealand Forest Service [NZFS], Department of Conservation [DOC], Manukau City Council [MCC], the Auckland Regional Authority [ARA], the Auckland Regional Council [ARC] and Auckland Council. While working for the ARC, as Senior Archaeologist and Team Leader Cultural Heritage, I created and developed the Cultural Heritage Inventory [CHI], a computer database to promote the sustainable management of the region’s cultural and historic heritage (URL: <https://chi.net.nz>, accessed 25 Feb 2018).
- 2.5 The scientific focus of my personal research, as opposed to territorial local authority and government resource management work, has been directed at the scientific investigation of Māori horticultural and settlement complexes. This has included archaeological landscapes located on the stonewalls of South Auckland (Ōtuataua-Ihumātao and Matukutūreia-Wiri), the volcanic ash fields of Kawerau in the Bay of Plenty, and the alluvial river systems of the

Waipoua Kauri Forest in Northland. One publication with Dr Mark Horrocks, entitled ‘Plant microfossil analysis of soils from Polynesian stonefields in South Auckland, New Zealand’, has been published in the internationally recognised *Journal of Archaeological Science* (Number 33, 2006 pp.200-217). It focuses on Māori occupation and gardening complexes, where I have both surveyed and excavated, including volcanic stonefield areas at Ambury Regional Park, Māngere Mountain, the Ōtuataua Stonefields Historic Reserve [OSHR], Matukutūreia (Puhinui) and Wiri Mountain (Manurewa).

- 2.6 While employed in the NZFS in the early 1980s I was involved in the Treaty of Waitangi Hearing on the Manukau Claim. My work addressed the recognition and conservation of historic places on forested Crown lands, including working with Tangata Whenua to have their interests in the management of wāhi tapu and taonga recognised and provided for. This research was referenced in the New Zealand Waitangi Tribunal Wai-6 report (Jul 1985 s.7.3). Subsequently, my NZFS work on historic places in Woodhill State Forest formed part of one of three case-studies in the Court of Appeal of New Zealand “Lands” case or “SOE” case *New Zealand Māori Council v Attorney-General* ([1987] 1 NZLR 641, (1987) 6 NZAR 353).¹¹ I also submitted comprehensive statements of evidence to the Waitangi Tribunal (1992) hearing of Te Roroa claim in Waipoua Forest (Wai-38).
- 2.7 More recently, I have completed archaeological consultancy work with AJ Archaeology for two forestry companies (Ernslaw One Limited and Rayonier NZ Limited) who hold licenses over Crown forests on the Coromandel Peninsula and Māori Trust land blocks in Kawerau in the Bay of Plenty.
- 2.8 I am presently employed on contract as a heritage advisor to HNZPT (under Contract No. 65/2017) as the delegated approved archaeologist (under Authority No 2017/365) assisting with compliance monitoring of the utility service instillation at the Melanesian Mission at Mission Bay in Auckland.
- 2.9 I am also employed by the New Zealand Archaeological Association [NZAA] to write up the NZHPT 1973-82 archaeological excavations of the now destroyed Maungataketake-Elletts Mountain (R11/31) in South Auckland, a once 20ha (50 acre) volcanic cone located south of and directly adjacent to the subject property. Maungataketake, more correctly called Ihumātao, was the largest and most complex Māori settlement on the Ihumātao block, and it was also the last perfect surviving cone in the Auckland region (see Attachment 2 and Attachment 3 for the extent of the volcano, as surveyed in

1866, and note pencil ‘doodles’ on LINZ SO 236 showing pits on top terrace). However, it was destroyed when Auckland Airport engineers through the MCC District Scheme Objections Committee (19 Oct 1976) considered the mountain to be an impediment to the building of the second runway. Today, this once 70m-high cone and unique Māori settlement complex, is a 30m-deep quarry hole that has adversely and irreversibly affected the local water table.

- 2.10 Currently, I am completing HNZPT archaeological authority (No 2017/304) work as the approved archaeologist for the Auckland Council and the Pūkaki Māori Marae Committee, at the Pūkaki Lagoon explosion crater in South Auckland (Lawlor 29 Jun 2016 pp.63-109). This work is promoting the re-establishment of forest cover and the stabilization of eroding crater walls while protecting significant a Te Ākitai-Waiohua wāhi tapu (sacred) cemetery and pā (fortified settlement site R11/548). These sites together, formally surveyed on 17 July 1866 following Compensation Court hearings (see Attachment 16 for a copy of LINZ SO 235 of Pūkaki survey plan), were actively quarried by George Henning between 1925 and 1929 during his building Auckland’s first dirt or cinder speedway track for motorcars and cycles. This active quarrying and desecration, including the excavation of presumed unmarked skeletons from the cemetery (deposited in 1931 with the Auckland Museum), were the subject of three formal petitions to government by tangata whenua, with the works being progressed under the oversight of four Prime Ministers and their respective governments.
- 2.11 Regarding my personal historic research, as opposed to HNZPTA14 authority and RMA91 consent work, this year I finished a decade-long project, working through the direction of a Māngere Mountain Education Trust [MMET] Project Team for the DOC in Auckland, to complete a full transcription of the Native (now Māori) Land Court 1868 Ōrākei Minute Books No 1 and No 2 (Archives New Zealand Item codes R20382022 and R20382023). This work was completed under a conditional authority from the Registrar of the Māori Land Court Ministry of Justice (Ref No CC/1617/25) and the Senior Archivist of National Archives in Wellington (File Ref ARC101333 and ARC101457), to provide ready access to one of the original foundation histories of Tāmaki Makaurau Auckland.

Purpose and scope of evidence

2.12 I have been asked by the Appellants to address archaeological and historic heritage issues arising from the proposed Ōruarangi SHA (the subject property) development. In particular, I have been asked to consider whether the revised archaeological Assessment, with related management Plan and research Strategy are adequate and sufficiently robust, and whether or not HNZPT made a mistake in their considerations and decision in respect of Authority 2018/64.

2.13 To that end, my evidence:

- (a) Details my previous involvement with the archaeological work completed for the subject property (Section 3).
- (b) Examines the revised Assessment, the revised Management Plan, and Strategy, completed for HNZPT Authority 2018/64, and highlights changes made and the outstanding shortcomings (Section 4).
- (c) Examines some relevant primary historic records (maps, manuscripts and newspapers), and highlights how these affect the Assessment and final evaluations made (Section 5).
- (d) Reviews the oral records (for tangata whenua) and Ailsa Blackwell (for the Wallace family), particularly in respect of the Māori gardening activities and historic drystone walls, and the occupation and use of the subject property (Section 6).
- (e) Re-examines the archaeology of the subject property incorporating new primary historic records, identifying errors and omissions, and provides some substantive calculations for the structures and features to be destroyed and protected (Section 7).
- (f) Provides a brief concluding discussion integrating together the oral history with written records and archaeological evidence (Section 8).
- (g) Ends with a comprehensive list of references (Section 9), attachments (Section 10), and endnotes (Section 11).

2.14 A summary of my evidence is set out in Section 1 above.

Expert Witness Code of Conduct

2.15 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's 2014 Practice Note. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence

of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. MY ORIGINAL REVIEW OF ŌRUARANGI SHA ARCHAEOLOGY

- 3.1 Reference to Attachment 6 (Lawlor 19 Oct 2016), my review of the August 2016 archaeological Assessment that was completed for the subject property, will be helpful in the following discussion.
- 3.2 I became formally involved on 15 September 2016 when I was asked by Karen Wilson (Chair of the Pūkaki Māori Marae Trust Committee) for Te Ākitai-Waiohua, to review the completed archaeological Assessment for the subject property.
- 3.3 The review comprised an on-site meeting with Dr Rod Clough on 21 September 2016 to discuss the completed work, reading and reviewing the assessment (Bickler *et al* Aug 2016) and management plan (Clough and Macready Aug 2017) along with six other related reports, and completing a field inspection to examine recorded structures and features with Nigel Denny (Kaitiaki for Te Ākitai-Waiohua) and address a series of questions that arose from the report reading.
- 3.4 During the on-site meeting, I asked Dr Clough if any consideration had been given to the antiquity of the drystone walls (i.e. evidence of them being associated with early historic Māori farming activities), together with the other historic farming elements, and whether or not consideration had been given in the assessment to the cumulative effects of South Auckland development over the last 50 years on pre-1900 archaeological farm landscapes. Dr Clough responded saying that parts of the walls had been assessed as being pre-1900 in age, but subsequent modification (additions and rebuilding) had made it difficult to assess which parts. He also said that no consideration had been given to cumulative effects because it was generally accepted that the proposed works would result in the destruction of most of the walls and other farming elements that were not located in the proposed 'buffer' or reserve area located to the north and west of the subject property, as agreed with some Iwi through consultation as a mitigation measure.
- 3.5 Briefly, I found that the original archaeological Assessment and Plan were relatively comprehensive following NZHPT (2 Jun 2006) guidelines. However, I identified a number of gaps and issues that needed to be addressed (in summary):

- (a) The inclusion of part of the British Admiralty 1853 Manukau Harbour Chart that was published in 1860 without the link being made to surveyed structures like drystone walls and internal gardens of mission-period (1847-53) settlement and farming located across the subject property.
- (b) The inclusion of historic photographs without highlighting their content or significance (e.g. pre-1900 drystone walls).
- (c) Failure to reference primary NZHPT [now HNZPT] archaeology and historic heritage documents relevant to the subject property.
- (d) Overlooking relevant ARC Technical Publications that provide comprehensive discussions of the area archaeology.
- (e) No detailed record of the drystone walls, with broad ambiguous statements about the age of the walls and deconstructed parts, even though these structures would mostly be destroyed through proposed development.
- (f) No specialist analysis of the concrete structures when some of these are possibly pre-1900 in age (i.e. archaeological).
- (g) Some historic fence posts, old farm machines, and other features, structures and hedgerow remnants, not recognised or recorded (as evidenced on aerial photographs and on the ground).
- (h) The MCC OSHR Management Plan incorrectly attributed to myself when it was authored by the MCC and approved by the DOC. [This error has not been remedied in the revised work completed to date.]

- 3.6 Importantly, I noted that there was a confusing set of statements in the Assessment, and commented that the conclusion, that it was not possible to determine what parts of the structures and other historic farm elements were pre-1900 in age, was simply not true given the historic records presented in the Assessment.
- 3.7 I wrote (Lawlor 19 Oct 2016 p.5): *“These statements are confusing and disguise the fact there is reasonable cause to suspect that most of the extant walls pre-date 1853 and are definitively pre-1900 rare and now unique examples of this archaeological site-type in the Auckland region; they illustrate the shift in Māori occupation, gardening and farming activities in the 19th century following the first influences of the Christian missionaries at Ihumātao and the introduction of new plants and animals, and techniques for their husbandry and management.”*

- 3.8 I then summarised the evidence for the antiquity of the drystone walls located on the subject property (the cartographic record on the British Admiralty 1853 Manukau Harbour Chart (No 2726) and the characteristics of the structures themselves (location, size, cross-section and form). I also quoted from my research on the subject, being my assessment of the heritage resources located on the OSHR (Lawlor 4 Dec 2009, p.37 and pp.100-104), and highlighted my other studies of the drystone walls comparing the differences between property boundary walls (large and high) and internal farm paddock walls (small and low).
- 3.9 From the completed onsite meeting and report reading, I listed a number of outstanding questions to provided a framework for the field inspection undertaken 12 October 2016.
- 3.10 A 3.4km-traverse across the subject property with Nigel Denny (Kaitiaki Te Ākitai-Waiohua) resulted in the recording of additional structures, features and finds (using a Rhino650 GPS to identify our route and the location of finds).
- 3.11 Briefly, I concluded that there were a number of historic heritage elements incorrectly identified or not recorded: a ring-bordered stock exclusion rock structure (for tree protection); a stonewall (more correctly a single stone alignment); a range of other historic elements (e.g. another tree protection wall, extensive historic boxthorn and hawthorn hedgerow remnants, and original wood fence posts scattered about with some still *in situ* within standing fence lines where there were no walls). I also noted that substantial lengths of deconstructed walls, where there were base remnant rock foundations or ‘channels’, were not recognised and provided for, and I stated that all these findings simply undermine the integrity of the completed Assessment and plan.
- 3.12 I determined that the completed historic heritage assessment and management plan were limited and the proposal to monitor, record and investigate most of the archaeological sites as they are demolished or destroyed, without a robust and comprehensive archaeological Assessment, was contrary to current best practice.
- 3.13 I concluded with a personal opinion, based on my knowledge and experience of the subject property and the adjacent OSHR, that (Lawlor 19 Oct 2016 p.9.): “...most of the walls that are located on the Oruarangi SHA pre-date the Wallace family purchase of 8 Feb 1867; they are all pre-1900 in age (i.e. they

are archaeological evidence within the definitions of the HNZPT Act 2014). They are most likely associated with Waiohua cropping and animal husbandry between 1846 and 1863 and they are an example of adaptation of traditional garden practices using missionary exotic plant and animal introductions, and related techniques and husbandry. The walls, together with the other recorded structures and features (including the hawthorn and boxthorn hedgerow remnants, puriri fence posts), are both unique and rare recorded examples in the Auckland region, and possibly New Zealand, given their Māori origins and single European family ownership and use from 1867 to the present-day."

- 3.14 This opinion was carried across to my update of the NZAA ArchSite record for the Ōruarangi SHA site R11/3000, I stated: "...*Regarding the four stonewalled paddocks across the southern half of the Ōruarangi SHA, there is evidence to indicate that these were probably built prior to the 1866. It is apparent from their size (933 x 493ft or 14 x 7.5 chain, being 284 x 150m), layout (cutting across Ihumātao Quarry Road, as evidenced by the SO 236 plan overlay and remnant cross-wall elements), together with the slightly off-set north-south central cross-wall), that these most likely date between the period 1846 to 1863, and they represent historic remnants of historic Māori farming activities. The relationship between the unique Ōtuataua volcanic tuff crater remnants, together with the associated rich stone-free ash layers and drystone walls located here, should not be underestimated; this area has a unique set of biophysical advantages for gardening or cropping.*" (Lawlor 12 Oct 2016, ArchSite R11/3000, and web address or Universal Resource Locator [URL] <https://archsite.eaglegis.co.nz/NZAA/Account/Login?ReturnUrl=%2FNZAA%2F>, accessed 11 Dec 2017).

4. REVISED ASSESSMENT, PLAN AND STRATEGY

- 4.1 In the following discussion, a particular focus is given to the Māori settlements and field systems surveyed by the Her Majesty's Surveying Vessel *HMS Pandora* in 1853 that are located across the subject property, and the recorded drystone walls that are located here (refer to NZAA site R11/3000 record). This is because there is reasonable cause to suspect archaeological evidence of the settlements and field systems will be present, and the presently recorded drystone walls are likely to have covered over and protected these remains from disturbance by European farming activities.

4.2 It is my opinion, that Māori settlements and field systems have been under recognised and under valued in the archaeological work completed on the subject property to date. I believe that if the primary historic records had been presented, the HNZPT may have reached an entirely different position in their internal review of the authority application (refer to HNZPT 18 Sep 2017).

Pre-1900 Māori field systems and drystone walls

4.3 The substantive part of the Ōruarangi SHA revised Assessment records the following in respect of historic field systems and drystone walls as evidenced in the British Admiralty 1853 Manukau Harbour chart, survey plans and photographs (see Bickler *et al* May 2017 for page numbers listed below):

- (a) Stonewalls and associated farm features relate to early European occupation being associated with the Wallace family (p.ii).
- (b) Stonewalls, along with presumed stonework associated with historic drainage works (as yet not investigated), will be destroyed (p.ii).
- (c) Some stonewalls will be rebuilt in the fashion of historic walls (p.ii).
- (d) Many old paddock boundaries are defined by stonewalls (p.8).
- (e) At the time of purchase, of Lots 175 and 176 were drained and contractors engaged at 10 shillings a chain to construct the perimeter drystone walls around the allotments and the interior walls were largely built by Wallace with stones gathered from the adjacent block (Lot 174), with the land primarily being used to grow wheat and graze dairy cows (p.23).
- (f) Ring borders of stone were used to protect amenity trees (p.25).
- (g) Stonewalls were later repaired by Hugh Wallace, following the death of his father Gavin, in the mid-20th century (p.26).
- (h) The 1853 survey chart of the Manukau Harbour shows rectilinear field boundaries within the subject property indicating crop cultivation or stock farming at this time, but it is not clear whether these are accurately surveyed or indicative field boundaries. Shading on the chart may indicate ploughing or orchard rows, rather than stock farming (because Māori grew oats and wheat, and also kept pigs), and there is no settlement within the subject property (this is shown on the chart as being located at the Ōruarangi Creek mouth and at the mission located south on the coast) (p.30).
- (i) The 1866 confiscation block survey plans (SO 236 and SO 237) show Gavin Wallace as the owner the subject property (Lots 175 and 176),

with a stream and swamp located here, with a hut shown on the second plan interpreted as a temporary hut built by the Wallace family prior to receiving title to the Crown Grant. And a chapel is located in an adjacent Lot 197 (being Puketāpapa Papakāinga) on the Ōruarangi Creek (p.30).

- (j) Walls and other fence structures were formally recorded on a survey plan until 1915 (p.30 and p.37 Fig 23).

Significance evaluations and effects

- 4.4 Reference to the revised Assessment (Bickler *et al* May 2017), and the Plan (Clough and Macready Jun 2017) and Strategy (Clough and Macready Jun 2017), will be helpful in the following discussion.
- 4.5 The revised Assessment section titled ‘Significance of Heritage Remains on the Property’ (pp.90-94) provides a summary and focus. The substantive ‘historic facts’ contained in the body of the revised Assessment, and the interpretation of these, are addressed further below.
- 4.6 This section of the revised Assessment provides an abbreviated summary of the recorded archaeological evidence across the subject property, and this is evaluated against two standard sets of criteria (one set from the Auckland Council Auckland Unitary Plan Operative Plan 2016 Chapter B:5.2.2 [recently updated 13 Feb 2018], and the other set from NZHPT [now HNZPT], 2 Jun 2006 pp.9-10). These evaluation statements are considered to be highly subjective and can be readily challenged given the historic facts.
- 4.7 The revised Assessment states (pp.90-91): (i) the archaeological value of the sites relates mainly to their information potential or their ability to provide evidence; (ii) most of the archaeological or historic features (i.e. two shell middens) are assessed as being of low to moderate significance, but no context is provided for these verbal ‘scores’; (iii) the stone walls and associated farm ‘features’ have moderate archaeological value (i.e. typical European drystone walls, with the suggestion that some were built by Māori not being supported by the evidence); (iv) a reported historic drainage system currently identified through geophysical survey, if proved upon investigation to be present, is a rare archaeological site type in New Zealand and investigation could provide information; and (v) the recorded features have a collective value as part of the wider Māngere-Ihumātao heritage landscape.

- 4.8 The revised Assessment (Table 2 p.92) then tabulates the site values against the Auckland Council (29 Sep 2016 Chapter B:5.2.2) operational part of the Auckland Council Unitary Plan criteria (historical, social, mana whenua, knowledge, technology, physical attributes, aesthetics and context). [Note that this Chapter is incorrectly referenced in the revised Assessment as Chapter B:4.1].
- 4.9 Each of these values assessments is considered subjective and misleading without any definition of the summary terms used (i.e. little and moderate, or local significance):
- (a) General statements are made about representativeness without supporting evidence (e.g. Historical – remains of 19th and early 20th century farming, including drystone walls, have associations with the Wallace family and farm settlement).
 - (b) Some criteria are generalised or rendered ineffective (e.g. Social – community or cultural group is generalised to the ‘general public’, when Auckland Historical Societies, representing a broader community of interest, are known to have strong associations with this historic landscape, and consider the stonewalls and other archaeological structures to have a region-wide importance). [Refer to Attachment 7 for Auckland Historical Society responses regarding the subject property regional heritage significance, including those from Avondale-Waterview, Epson and Eden, Howick and East Auckland, Puketāpapa Mount Roskill and Onehunga.]
 - (c) Some evaluations contradict summary statements (e.g. Knowledge – with some potential to contribute to knowledge but assessed as having little and local significance).
 - (d) Some evaluations are simply incorrect given the historic record and structures present (e.g. Technology – no particular technological accomplishment would have been required to construct the stone walls and farm ‘features’, being assessed as of little or local significance).
 - (e) The evaluation of drystone walls contradicts with the evidence (Physical Attributes – walls and farm features are considered not notable or good examples of their type, being assessed as of little or local significance).
 - (f) Evaluations do not address the historic record (e.g. Context – middens, burial caves and farmstead have moderate local

significance, without reference to the relationships with the adjacent ‘Township’ as recorded in historic plans LINZ SO 236 and LINZ SO 237, today called Puketāpapa Papakāinga or Village).

- (g) For the original copies of both these survey plans see Attachment 2 and Attachment 3. Here it is important to appreciate that Puketāpapa Kāinga or village includes many non-Māori families, although Makaurau Marae is located within the Special Purpose Māori Purpose zone in the Auckland Council (13 Feb 2018) Unitary Plan (URL: <https://geomapspublic.aucklandcouncil.govt.nz/viewer/index.html>, accessed 19 Feb 2018).

- 4.10 The revised Assessment (pp.93-94) tabulates the recorded sites against the HNZPT (2 Jun 2006 pp.9-10) criteria condition, rarity, context, information potential, amenity and cultural associations. Each of these is once again considered to be highly subjective glossing over the historic record and is sometimes contradictory (e.g. archaeological values relate mainly to information potential, contradicting with the statement that stone walls and other elements have limited information potential).
- 4.11 Importantly, the field systems recorded on the *HMS Pandora* 1853 Manukau Harbour Chart, showing that there is reasonably cause to suspect archaeological evidence relating to historic period Māori gardening and settlement, are simply ignored in these evaluations. The 5 February – 3 May 1853 survey work of Captain Byron Drury and the crew of the *HMS Pandora* is reviewed below. (See Historic Records discussion below).
- 4.12 This pattern of generalisation and ignoring historic records is repeated in the revised Assessment (pp.95-98) section titled ‘...Effects’.
- 4.13 Simply stated, based on my GIS analysis of the plans within the revised Assessment and Management Plan, proposed development of the subject property covering 33ha will destroy everything earth-worked (27ha or 82%) and protect the reserve ‘buffer area’ (6ha or 18%).
- 4.14 Here it is important to note that the subject property only covers Lots 175 and 176, and it does not include Ihumātao Quarry Road Reserve that separates these two lots, where additional works are proposed. Auckland Council consent is still required before HNZPT Authority 2018/64 can be exercised.
- 4.15 In addition, consent is also required for archaeological investigations proposed: (i) Puketāpapa Papakāinga (through the owners of 511 and 525

Ōruarangi Road, adjacent to Lot 175); (ii) Auckland Council (Auckland Transit and Heritage) for the Ōruarangi Road Reserve; (iii) Auckland Council (Properties and Heritage) for the old Rennie Homestead block at 619 Ōruarangi Road (Lot 177); and (iv) Auckland Council (Parks and Heritage) for the Ōtuataua Stonefields Historic Reserve (OSHR).

- 4.16 As a consequence, this destruction includes most of the pre-European Māori field systems that were surveyed in 1853 and are expected to be present across the subject property, and most of the surviving 2.62km (1747m or 67%) recorded drystone walls. In addition, it is proposed to destroy a 50m-length of drystone wall that borders the OSHR for which the Auckland Council has not consented (pers. comm. Myfanwy Eaves, 13 Feb 2018). These revised figures are reviewed below (see Archaeology discussion).
- 4.17 Potential impacts on former Māori garden soils (rather than field systems, as evidenced on the 1853 Manukau Harbour Chart) is recognised in the revised Assessment (p.96). However, it is stated that it would be difficult to identify these archaeologically, due to post-occupation European landuse activities, stock farming and natural biological soil processes. This is simply incorrect; given the results of work I have completed and published on the adjacent OSHR and other alluvial and stonefield areas in South Auckland (Horrocks and Lawlor 2006).
- 4.18 Recent HNZPT authority work using geophysical surveys has been completed over archaeological sites located on Puketutu Island (Bader 4 Jan 2016 and 29 Mar 2017), within a similar landscape as the subject property. This has proved the use of comprehensive integrated geophysical survey techniques to improve our understanding of archaeological and cultural landscapes, like that which is known to cover the subject property. The international use of what is referred to as ‘ploughzone archaeology’ has been comprehensively published in Australia (refer to Brooks *et al* Jun 2009) and overseas, particularly in the United Kingdom and the United States of America where there is a long history and use of these non-invasive techniques.
- 4.19 It is thought that the revised Assessment statement about the difficulties of identifying Māori field systems and soils across the subject property, possibly reflects the attitudes of the senior author of the revised Assessment (refer to Bickler, S. H., and Low, J. M. (2007). “*Lies, dam lies, and geophysics*”: Uses

and abuses of remote sensing techniques in New Zealand heritage management. *Archaeology in New Zealand* 50 pp.195–210).

- 4.20 Most importantly, the inadvertent positive affect of drystone walls having covered over the remains of 1853 surveyed Māori field systems has been completely ignored in the revised Assessment. Their presence or absence has been relegated to a hypothesis to be tested through archaeological excavation and recovery of information as the majority (i.e. 2.62km or 67%) of drystone walls are destroyed during earthworks.
- 4.21 The mitigation proposed in the revised Assessment (p.97-98), when destroying what is termed ‘about 80%’ of the total subject property heritage landscape, includes:
 - (a) A reserve ‘buffer area’ containing a number of natural and cultural features (e.g. some boundary walls with the OSHR, part of the volcanic and tuff craters of Ōtuataua and Puketāpapa (Pukeiti) volcanic cones, recorded burial caves, and the original Wallace farmstead site).
 - (b) A reserve management plan and signage.
 - (c) Rebuilding an estimated 805m-length of walls in the fashion or style of the old ones, as a ‘commemorative recognition’ of the historic drystone walls destroyed.
 - (d) The proposed investigation of middens, former historic drainage remains, that have been identified through geophysical survey but the location of which has yet to be confirmed, and other expected archaeological remains.
- 4.22 (See Archaeology discussion below for an analysis and review of the archaeology and proposed mitigation with some specific calculations for areas and structures to be protected and destroyed.)
- 4.23 The revised Assessment (p.98) concludes: “*...the loss of the majority of stone walls and farm features will have an impact on the wider European settlement landscape...*” and “*Overall, adverse effects on historic heritage sites and landscape values, although reduced through the proposed reserve contribution and the protection of remains relating to both Māori and early European settlement within it, are more than minor.*”
- 4.24 One final matter: It has been brought to my attention, that there has been no recognition within the revised Assessment, of three stream culverts, two

located on the subject property in Lot 175 and one under Ihumātao Quarry Road. Two of these (located at Lat 36°59'5.82"S Long 174°45'35.37"E, and Lat 36°59'8.63"S Long 174°45'33.79"E) are built of scoria rocks and are thought to have been built prior to 1900, as they provided farm access from the old homestead to the eastern part of the farm, and they are still functioning in wet weather. The culvert under Ihumātao Quarry Road (at Lat 36°59'11.96"S Long 174°45'33.72"E) may also include archaeological remains that need to be recognised and provided for.

Revised Plan

- 4.25 The revised archaeological management Plan for the Ōruarangi SHA (Clough and Macready Jun 2017) carries forward the revised Assessment findings (the short-comings of which are addressed above) and outlines the procedures to be adhered to (by Fletchers Residential Limited, contractors and archaeologists) prior to, throughout and following earthworks, including: (i) during the investigation of ‘known’ sites; (ii) monitoring of earthworks; and (iii) the discovery of archaeological remains including kōiwi tangata or human remains. Protocols are provided for dealing with taonga (Māori artefacts) and kōiwi tangata. Māori values are recognised and provided for as they have been reported by Te Ākitai-Waiohua and Te Kawerau Tribal Authority.
- 4.26 Simply, in respect of recorded sites and discovered archaeological evidence uncovered during earthworks, the revised Plan provides answers to the underlying questions of What? Who? When? Where? How? And Why?
- 4.27 Importantly, the Plan addresses how the HNZPT approved archaeologist (Authority 2018/64 Form E) with a team will investigate and record drystone wall demolition and earthworks, and report on these activities. The proposal to rebuild some wall alignments, in the fashion of the original drystone walls (but with a concrete or grout heartening) is briefly summarised.
- 4.28 The management Plan does not specifically address the 1853 Māori field systems that are known to have covered the Ōruarangi SHA (see Strategy below). There is reasonable cause to suspect that archaeological remains of these Māori historic activities will be present, particularly underlying the drystone walls recorded as NZAA site R11/3000.

Strategy

- 4.29 The archaeological research Strategy for the Ōruarangi SHA (Clough and Macready Jun 2017) carries forward the revised Assessment findings (the

short-comings of which are addressed above). It outlines the research aims and questions, investigation methodology in respect of recorded shell middens, drystone walls, a reported extensive 19th century drainage system (i.e. an ‘archaeological site’ in terms of HNZPTA14 s.6 interpretation) of which possible anomalies have been identified through completed geophysical survey, and also includes references to 20th century (i.e. non-archaeological) structures and features directly associated with the walls. Once again, Māori values through Te Ākitai-Waiohua and Te Kawerau Tribal Authority are recognised and provided for.

- 4.30 The Strategy (p.2) does recognise that the British 1853 Manukau Harbour Chart shows an extensive Māori field system covering the subject property during the period the Wesleyan Mission was active on the Ihumātao peninsula. It also speculates that Māori were probably gardening across the subject property in pre-European times. However, the Strategy is silent on the fact that no geophysical survey has been completed to date to identify anomalies associated with these historically surveyed and recorded activities.
- 4.31 In contrast, the Strategy (p.2) does recognise that geophysical survey has been completed, as part of the archaeological Assessment, specifically to examine the stream running through the centre of the subject property for structures reported from Wallace family oral history to have been created during early farm development. It states that ‘ground-truthing’ of the identified anomalies is required during investigations. Here it is interesting to note that more weight has been given to European oral history rather than the historic records.
- 4.32 The ‘Research Aims’ of the Strategy (p.7) are narrowly focused on the information that can be obtained about the Ihumātao peninsula for pre-Mission period Māori settlement (pre-1847), Māori activities during the Mission period (c.1847-1863), and the Wallace family activities (given as dating post-1866 to 1867).
- 4.33 However, I am of the opinion that these dates are imprecise and the focus on the Ihumātao peninsula too narrow. Historic records show that the first Missionary activities on the Manukau Harbour date from January 1836 (Byrne 1991 p.56-62). In addition, given the evidence provided by kaumātua in the Native Land Court hearing of the Ōrākei Claim in 1868 (refer Stone 2011 p.108-125), it can reasonably be expected that evidence of activities for the historic period across the subject property will date from September 1821,

with the first Ngā Puhi incursion into Tāmaki-Auckland and the arrival of gun warfare to the region. [For example, see archaeological site R11/575, being a ditched headland pā directly opposite Puketāpapa Papakāinga on the Ōruarangi Creek.] It is also reasonable to expect that the Ihumātao peninsula was reoccupied more intensively ten years later in 1831, following the self-imposed exile of Tāmaki tribes to Waikato, and then their re-entry to their traditional lands under Te Wherowhero (refer to Stone 2011 pp.126-149). The freshwater lagoon or explosion crater located directly adjacent to the subject property, in the Water Reserve that was formally surveyed as Lot 177A in 1866) called the ‘Ihumatao Lagoon’ in historic records, and the stream originating from this source that runs through the subject property, together with the Ōruarangi Stream and other freshwater springs that are still used today, would have attracted and sustained settlement activities throughout the period of human settlement in Aotearoa New Zealand.¹²

- 4.34 My suggestion that the 1853 surveyed field systems probably included drystone walls constructed by Māori is recognised in the Strategy (p.7). However, it is stated that if field boundaries were present, they most likely have been removed by the development of the Wallace farm, with any stones being reused at this time. It is argued that the field boundaries surveyed in 1853 were only ‘general indications’ of areas of cultivation rather than accurate representations of walls. It is proposed that my ‘alternative theory’ will be examined through investigation prior to the destruction of most of the drystone walls across the subject property.
- 4.35 The ‘Research Questions’ of the Strategy (p.8) provides a refined focus for the investigations (e.g. the antiquity of recorded archaeological sites, structures and features, changing functions of landuse and settlement, and farm development and layout, and drystone wall construction techniques and styles). One question includes the examination of the subject property for field boundaries as depicted in the 1853 Chart and possible earlier structures and features.
- 4.36 The ‘Investigation Methodology’ of the Strategy (p.9-11) focuses on two midden sites, drystone walls, stream areas where there is potential for historic drainage structures to be present (anomalies identified through geophysical survey), and the monitoring of the earthworks phase to identify discovered archaeological evidence. It is proposed to investigate drystone walls located on the boundary of the subject property with the OSHR and Ōruarangi Road

Reserve (see Fig. 4 p.10) through cross-sectioning the structures in an attempt to recover information about the construction techniques used.

- 4.37 Reference to Attachment 8 will be helpful in the following discussion. This Google Earth GIS overlay shows walls and fence lines (short orange lines) to be sectioned and investigated using archaeological techniques, and it identifies the adjacent properties for which landowner consent is required before HNZPT Authority 2018/64 can be exercised (i.e. all those areas shaded orange, blue, purple and red).
- 4.38 Here, it is important to appreciate that drystone walls and fence alignments proposed for investigation partly overly adjacent properties for which landowner consent is required. This includes: 511 and 525 Ōruarangi Road (Puketāpapa Papakāinga properties); Ihumātao Quarry Road Reserve (through Auckland Transport); Ōruarangi Road Reserves (through Auckland Transport and Heritage); the old Rennie Homestead block at 619 Ōruarangi Road (through Auckland Properties and Heritage); and the OSHR (through Auckland Parks and Heritage).
- 4.39 HNZPT Authority 2018/64 (see Attachment 4 for a copy) specifically recognises the requirement for landowner consent for the Ihumātao Quarry Road Reserve located between Lots 175 and 176 (i.e. the Ōruarangi SHA). However, the Authority, together with the completed archaeological Assessment, Plan and Strategy, are silent on all the other landowner consents that will be required to complete the investigations as they have been shown in the Strategy (see Clough and Macready Jun 2017 p.10 Fig.4).
- 4.40 The Authority does include a general clause stating "*This authority may not be exercised until landowner consent is received by HNZPT for all land affected by this authority.*" Personally, given the extent of proposed investigations and earthworks across the subject property, I believe all landowners directly impacted by proposed archaeological investigations should have been consulted and their consents gained.

5. HISTORIC RECORDS

- 5.1 The following section examines primary historic manuscripts, charts and plans (chronologically). It sets out the record of the 19th century work of the British Admiralty Hydrographic Office, and their surveyors, to survey the Manukau Harbour and record Māori villages, settlements and field systems, some of which are located across the subject property. It also examines

relevant deeds, and newspaper and government reports, and reviews oral history associated with the subject property, Puketāpapa Papakāinga and the OSHR.

Survey symbols and styles

- 5.2 Reference to Attachment 9a (Great Britain Ordnance Survey characteristics sheet) and Attachment 9b (British Admiralty Hydrographic symbols and abbreviations sheet) will be helpful in the following discussion.
- 5.3 British ordnance survey ‘characteristic sheets’ show different symbols, features, styles for lettering and stamps, used on Ordnance Survey maps from the mid- to late-19th century to the 1920s.
- 5.4 Ordnance Survey sheets include the characteristics or cartographic symbols for ‘orchards and gardens’, being a regular rectangular grid of large dots surrounded by a boundary fence for orchards and parallel diagonal hatched lines for gardens (refer to Attachment 9a enlargement). A building is identified as a small rectangle or two rectangles forming an L-shaped symbol. All three characteristics are universal symbols on United Kingdom, Scottish and Irish survey maps and charts, although there are slight variations (e.g. parallel hatched lines for gardens).
- 5.5 British Admiralty Hydrographic department symbols and abbreviations include ‘cultivated fields’ being of irregular bordered areas with regular linear shading of different patterns to distinguish different crops.
- 5.6 There was a great deal of overlap between both Hydrographic and Ordnance Survey cartographic or mapping practices. Together these symbols provide direction for interpreting the Māori field systems on the *HMS Pandora* 1853 survey plans and charts of the Manukau Harbour.¹³

Survey nomenclature

- 5.7 Brian Byrne (2007 pp.83-86), in his book *The HMS Pandora Survey...* includes a discussion of the 1850 British Admiralty general instructions for Hydrographic Surveyors, which were provided to Byron Drury who was both Captain and Surveyor of the *HMS Pandora*.
- 5.8 In respect of ‘Nomenclature’ instructions, these were comprehensive including the use of district names for topographic features in order to render the log books, surveying journals and sailing instructions intelligible (Byrne 2007 p.84): “... the surveyor should therefore take great pains not only to

learn the acknowledged names of all such places, but to give their correct orthography...and in really new discoveries it would show better taste to make the name convey some idea of the nature of the place, or some allusion to the inhabitants, or, still better, to adopt the native name, if pronounceable..."

- 5.9 In respect of the ‘Scales of the Charts’ instructions (Byrne 2007 p.85): “*... the great leading rule for them in every survey should be that they distinctly show all those minutiae [details] of the coast which may be required to be known, not only for the purposes of navigation, cruising, and landing, but also for reference hereafter...when the original drafts of the survey become deposited documents in the Admiralty. The scales on which in may be expedient to publish them for the benefit of the seamen or the geographer may depend on a variety of circumstances...*” No specific scales were assigned, but they were primarily dependant on the character of the coastline; one-inch-to-the-mile was considered a minimum standard for open uninhabited areas, and not less than three- or four-inches-to-the-mile for complex coastlines with a ‘teeming population’ present, increasing to 12-, 18- or even 24-inches-to-the-mile around ports and roads.¹⁴
- 5.10 In addition, instructions were given for keeping a surveying journal to regularly record the process, methods employed and general results of large triangulations with measurements and corrections (Byrne 2007 p.85-86). To date, attempts have been made to locate survey journals in both Australia (through the Mitchell Library in Sydney) and the United Kingdom (through National Archives in London, and the United Kingdom Hydrographic Office [UKHO] Archives Department in Taunton, Somerset). However, no journals with detailed surveying information have been uncovered for the period when the *HMS Pandora* crew were surveying on the Manukau Harbour (5 February to 3 May 1853).¹⁵

1852 HMS Pandora Houhora and Parengarenga Harbour surveys

- 5.11 Reference to Attachment 10 will be useful in the following discussion.
- 5.12 The January 1852 *HMS Pandora* survey plans of the Houhora (UKHO Archives L8950) and Parengarenga Harbours (UKHO Archives L8951) are helpful because they include notations alongside the ‘characteristics’ or cartographic symbols that are also used a year later on the 1853 Manukau survey plans and 1860 published Manukau Harbour Chart. Natural features and artificial (or man-made) features and structures are shown.

- 5.13 Both harbour survey plans cover relatively smaller areas than the Manukau Harbour, and they illustrate the location of natural features like channels and sandbanks, the coastline, and topography. Significantly, however, they also show artificial structures and features (i.e. man-made) using hatched lines, trees and cross-hatchings bordered or boxed within straight- and hatched-lines. Importantly, these symbols also include notations alongside, in the case of the Houhora plan, providing a key for the symbols used by the surveyors to denote Māori settlements and associated field systems.
- 5.14 Specifically, the Houhora survey (L8950) includes symbols and features on the shoreline adjacent to what is today called Waingārara Stream and along the north shoreline at the harbour entrance below Tohoraha (meaning whale) or Mount Camel; this name is misspelt on the chart as Ohora (refer to URL <https://www.topomap.co.nz/NZTopoMap/nz12261/Houhora-Harbour/Northland>, accessed 5 Jan 2018). Across the Waingārara Stream is a hatched line showing the alignment of a ‘Native Track’ that runs from the shoreline north behind a ridge upon which is located a ‘Ruined Pa’ on the headland overlooking the harbour; a second track is illustrated immediately south adjacent to a small rectangle presumed to be a whare (house) or residence. And on either side of the stream on the coastal flats are shown two (north of the stream) and six (south of the stream) dotted rectangular outlines with internal cross-, diagonal- and vertical-hatching and these sit along side the notation ‘cultivated’; each of these gardens has been estimated to be between 0.3 to 0.6 hectares in area (calculations from GE GIS overlays).
- 5.15 Towards the Houhora Harbour entrance, on the north side, there is an extensive area of houses and tree-bordered cultivations with the notation ‘occasionally visited by the natives’ alongside. This coastal strip is the location of one of New Zealand’s important archaeological landscapes having been investigated and comprehensively reported.¹⁶
- 5.16 Importantly, for better understanding the *HMS Pandora* 1853 Onehunga Channels survey plan and the 1860 Manukau Harbour Chart (discussed below), the actual on-the-ground survey traverse points are shown (as a small circle with a dot in the middle), together with the high trig points (shown as a small triangle with a dot in the middle) from which the triangulations were made and closed. Those parts of the harbour that were not formally surveyed are simply shown as hatched lines, with very little background topographical

detail, and these characteristics or symbols can be interpreted as being indicative of the coastline.

- 5.17 The Parengarenga survey (L8951) includes symbols and features showing the location of rectangular and trapezoidal-shaped areas, usually positioned on the flats adjacent to small streams, but with one also being located across the north-facing slopes of a long ridge on Taururua Point (today called Paratoetoe Point, (refer to URL <https://www.topomap.co.nz/NZTopoMap/nz12261/Houhora-Harbour/Northland>, accessed 5 Jan 2018). Like those on the Houhora plan, these characteristics or cartographic symbols simply record the location of houses and cultivations, mostly located on the flats at stream-mouths, but also on the sides of sloping hills and ridges.
- 5.18 A review of the NZAA ‘ArchSite’ database, for the surveyed Māori settlement and field systems in the Houhora and Parengarenga Harbours, shows that many of these 1852 surveyed settlements and cultivation areas have been recorded as archaeological sites, with some of these being settlement and gardening structures and features like pā, terraces, ditches and banks (refer to URL: <http://www.archsite.org.nz>, accessed 15 Feb 2018).

1860 Manukau Harbour Chart 1853

- 5.19 I have previously researched and reported on the history of the three-month (5 February to 3 May) 1853 British Admiralty *HMS Pandora* survey of the Manukau Harbour and related Chart published by the Admiralty in 1860, that was completed under the direction of Commander Byron Drury who was also Captain and Surveyor (Lawlor 4 Dec 2009 pp.36-28).¹⁷
- 5.20 More recently, I have transcribed the journals of John Jolliffe (*HMS Pandora* ships surgeon) and Theodore Morton Jones (First Lieutenant), for the same period, to better understand the day-to-day activities of both captain and crew (Lawlor 16 May 2017 and 21 Mar 2017). I also presented a paper on this research to the Māngere Historical Society (Lawlor 15 Aug 2017) and my reports have been made available through the Academia web site (URL: <https://auckland.academia.edu/lanLawlor>, accessed 19 Feb 2018).
- 5.21 Over the last month I have been in email communication with the UK Hydrographic Office Archives Department, located in Taunton Somerset in Britain, and have been able to locate and access one of the original 1853 survey sheets that formed part of Commander Byron Drury’s Manukau

Harbour (UKHO Archives L9372). This manuscript, together with a digital copy of the original 1853 Manukau Harbour Chart that was published in 1860 (UKHO Archives OCB 2726 A2) have been used in a ArcGIS to more accurately show the relationship between the Ōruarangi SHA area (the subject property) and the surveyed Māori settlements and field systems. (See Archaeology discussion below)

- 5.22 Currently, through a research request to the UKHO Archives, I am waiting to receive further information about whether or not the *HMS Pandora* manuscript collection includes correspondence covering the Manukau Harbour 5 February to 3 May 1853 period. If any relevant records are located, that help improve our understanding of the survey activities, a supplementary statement will be prepared and submitted.

1853 HMS Pandora Onehunga Channels survey plan

- 5.23 Reference to Attachment 11 will be helpful in the following discussion.
- 5.24 This is a copy of the 1853 *Her Majesty's Surveying Vessel [H.M.S^{g.V'}]* *Pandora* survey plan of the Manukau Harbour Onehunga Channels (UKHO Archives L9372). It is one of 22 survey plans, mostly at a 6-inches-to-a-mile scale, from the *HMS Pandora* survey that make up the UKHO Archives pre-1930 collection for the Manukau Harbour (pers. comm. Ian Killick UKHO Archives Research Manager, 20 Feb 2018).
- 5.25 By way of background, the Manukau Harbour survey started on 5 February 1853 and was completed three months later on 3 May, when *HMS Pandora* left for Taranaki (Jolliffe 5 Feb to 3 May 1853 p.238). During the journey south, Captain Byron Drury completed his report on the work for the Governor, and this was then published in part in local newspapers (*New Zealander* 8 Jun 1853 p.3), then formally as a complete booklet a year later (Drury 21 Aug 1854). From other newspaper reports on shipping news we know the Manukau Harbour plans were sent to England in the brig *HMS Serpent* during August 1853 (*Daily Southern Cross* 23 Aug 1853 p.2). And from the official stamp above the title at the top of the Onehunga Channels plan, we know it was received by the Hydrographic Office in London 12 January 1854, where it was given deposit plan number L9372.¹⁸
- 5.26 Once received, the individual survey plans were then passed on to a draughtsman, who reduced the scale using a mechanical device or machine so as to maintain accuracy, and a composite chart was prepared for

lithography, engraving, and final publication. The 1853 Manukau Harbour Chart (UKHO Archives OCB 2726 A2, discussed below) that was published 1 March 1860 is an example of this Hydrographic Office department practice.

- 5.27 Briefly, as the three teams completed their part of the survey, focusing on the three harbour ‘arms’ of the Onehunga Channels, Papakura River and Waiuku River, tracing copies of completed plans were regularly sent from Auckland on Royal Navy packet (or mail) boats to the British Admiralty Hydrographic Office in London. *HMS Pandora* commissioned officers walked to-and-from-Auckland on a weekly basis carrying and retrieving mail, passing reports for publication to local newspapers and the *Auckland Government Gazette*, and visiting government officials or personal acquaintances.¹⁹
- 5.28 From Captain Byron Drury’s report on the survey (Drury 21 Aug 1854 p.35), we know that William Blakeney²⁰ and Andrew Farmer (both Masters Assistants) sounded and surveyed the three channels leading to Onehunga, working from open boats, being absent from the ship for two weeks at a time.
- 5.29 Like the *HMS Pandora* surveys of the Houhora and Parengarenga Harbours (discussed above), the *HMS Pandora* Manukau Harbour Onehunga Channels survey plan shows the survey datum (or starting point on the north side of the Harbour). It also shows the survey baseline (on the south side of the Harbour near Māngere), and the survey trig and traverse stations (also called points or objects) used in survey triangulation. From this information, with the plan heading, notations, scale, points, grids and lines, together with journals and registers of the commissioned officers, we can appreciate how the survey was progressed:
- (a) A nautical scale of 10-cables-to-a-nautical-mile was noted on the plan (see title - 1 imperial cable is 1/10 of a nautical mile, or 608 feet being 185.3184 metres).
 - (b) The plan was surveyed at a 6-inch-to-a-mile scale (UKHO Archives Manukau pre-1930 Survey (textural) Index p.342) (pers. comm. Ian Killick Archives Research Manager, 21 Feb 2018).
 - (c) An index or geodetic grid of eight squares to a ‘block’ was used across the entire plan. This is presumably linked with the geodetic trig origin, located on Maungawhau-Mount Eden (see ‘Magnetic’ north arrow from the top of Ihumātao volcanic cone), and it would have tied in directly with the *HMS Pandora* survey of the Waitematā Harbour on the other side of the Tamaki isthmus.

- (d) A survey datum (or original base station) was located on the north side of the Harbour on a beach [today called Granny's Beach] below Pukekaroro hill 0.3 Nautical Miles (556m) west of White Cliffs - Tetapere [possibly Te Tūpari] (see red Maltese cross for datum point and also see the plan title for Latitude and Longitude and variations of compass).
 - (e) A survey baseline was located directly west of the 'Village of Mangeri' [Māngere] and 'Native Settlement', linking the survey datum securely to the southern shore of the Harbour (see two survey stations marked with dots in red triangles linked by a red line marked with the notation 'Measured Base 4850 ft.' [1478m], on what today is the Ambury foreshore).
 - (f) A series of survey trig points, were usually located on the tops of volcanic cones or high hills and promontories, where there were direct lines of sight to accurately triangulate and close-off any trigonometric variances (see small red triangles with a dot in the middle). Interestingly, survey triangulation points included the spires of the Onehunga Protestant and the Roman Catholic Churches, trees, the houses of notables (e.g. Major Greenwood), chimneys of houses, 'nipples' on cones, beacons and the tops of other Isthmus volcanic cones. (Refer to Survey Field Data for *HMS Pandora* Manukau Triangulations UKHO Archives SFD 7/2/1).
 - (g) The survey traverse points were usually located around the coastlines or on the foreshore (see small red circles with a dot in the middle) with clear lines of sight to the survey trigs and objects. However, there were some variations where there were visual obstructions to direct lines of sight from the trigs and additional traverse points were used.
- 5.30 Simply, Captain Drury with William Blakeney and Andrew Farmer completed the survey triangulations. The survey was linked to a datum on the north side of the Manukau Harbour, and it progressed on the south side of the Harbour from a baseline, using the high points for survey trigs (from north to south): (i) Māngere (with a second traverse station on the southern highest part of the crater, to provide a direct sight-line); (ii) the highest Puketutu Island cone (with a second station on the adjacent southern high point, to provide a direct sight-line); (iii) Moerangi [Ōtuataua] cone; and (iv) Ihumātao cone (with a traverse point directly on what appears to be the Ihumātao Mission School and Chapel on the coast).²¹

- 5.31 Through examining the presence and absence of trig and traverse points from the survey ‘Baseline’ at Māngere in the north, to Ōruarangi Creek in the south, it appears that the coastal survey was walked and plotted using a single station at the eastern end of Puketutu Island. The indicative nature of this work is evidenced in part by the hatched lines in the vicinity of ‘Whakahekikeki’ [probably Whakahekeheke] (today called the Māngere Lagoon explosion crater) that are similar to those illustrating ‘Taratata Creek’ on the adjacent side of the harbour in the Onehunga Basin.
- 5.32 The absence of traverse or trig stations along this stretch of coastline, with the associated lack of triangulations from which to check the trigonometry, together with the lack of direct lines of sight from established survey traverse stations, are thought to be the sources of an observed mismatch between the 1853 survey and current-day cadastral boundaries. These deficiencies simply resulted in the Waitomokia volcanic landscape and the Ōruarangi Creek being plotted incorrectly.
- 5.33 Reference to Attachment 12 will be helpful in the following discussion.
- 5.34 Regarding the survey that was completed in the Ōruarangi Creek catchment and across the subject property, through joining the trig points (triangles) on the cones together with the coastal traverse points (circles), we can deduce that the surveyed field systems were only recorded using direct sight-lines from the Ihumātao and Moerangi [Ōtuataua] cones using the underlying geodetic grid. Because there were no traverse survey points within the Creek catchment itself, and no high elevations from which to check these against, some distortions appear to have occurred (as above). A further plan has been requested from the UKHO to check the adjoining survey that overlapped with the Onehunga Channels plan. (See Archaeology discussion below.)
- 5.35 (An analysis of UKHO L9372 ArcGIS overlays is discussed further in the Archaeology discussion below.)

1860 Manukau Harbour Chart Cartography

- 5.36 Reference to Attachment 13 and Attachment 14 will be helpful in the following discussion.
- 5.37 Attachment 13 is a copy of the *HMS Pandora Manukau Harbour 1853 Chart* (UKHO Archives OCB 2726 A2), and Attachment 14 is an analysis of some chart ‘characteristics’ or cartographic symbols focusing on surveyed Māori settlements and field systems.

- 5.38 The British Admiralty Manukau Harbour Chart 1853 that was published 1 March 1860 records the location of buildings (whare or houses) and larger settlements and field systems located throughout the Harbour; later ‘large corrections’ were made in January 1872 and New Edition published in 1879 (pers. comm. Ian Killick UKHO Archives, 19 Feb 2018). These provide a broader set of cartographic symbols that were used at this time, and they provide a ready comparison with those recorded at Ōruarangi and Ihumātao. Historic reports and manuscripts provide a context for the survey cartography.
- 5.39 Here it is important to appreciate that the 1860 published Chart is just that, a compilation of a series of ‘Sheets’ or separate survey plans that were scaled down and join together, to create a single chart that could then be used by mariners to navigate boats and ships through the Manukau Harbour entrance and up the channels to Onehunga.
- 5.40 The cartographic ‘characteristics’ used on the 1853 Chart to illustrate settlements, or villages and hamlets, are briefly reviewed below (in alphabetical order).

Āwhitu – Native Village (Wattle Bay)

- 5.41 On the south side of the Manukau Harbour entrance, in what is today called Wattle Bay, there is a grid of lines on the Chart broadly forming a series of rectangular outlines or box-shapes located on either side of a stream. Within each box, or on the boundary line there are small rectangles, which, using the standard British cartographic characteristics (described above), can be interpreted as houses. Importantly, the notation ‘Āwhitu (deserted Native village)’ is located across the flats immediately to the south of the area, and this clearly identifies what these combined characteristics are meant to represent.
- 5.42 Reference to Attachment 15 will be helpful in the following discussion. This includes parts of early survey plans of Āwhitu and an early line and wash drawing.
- 5.43 Further historic research into the Āwhitu area, has uncovered two survey plans, one from February 1864 (LINZ SO 24C) and one from April 1892 (LINZ SO 6499), that also record this same village. In addition, a c.1840 sketch possibly records that same village, although the provenance in the title may be mixed (Auckland War Memorial Museum Library PD-1863-8-25).

- 5.44 A corroborative field inspection was completed to Wattle Bay on 6 February 2016, with Ngāti Te Ata kaumātua (elder) George Flavell of Waiuku, and at this time the village areas were viewed from the roadside, the likely extent determined, and some histories were shared. George reported that this was Pōtatau Te Wherowhero's winter residence when he was living on the Manukau Harbour from the 1830s; sharks were regularly fished in February each year, when they were nursing, then dried and sent back to the Waikato from here.
- 5.45 Together, the survey plans and illustrations, with the oral history, provide a fair indication of the nature of the houses and fences that were present in the Āwhitu village in 1853, and they also confirm the characteristics or symbols that were used on the 1860 Manukau Harbour Chart. We can be reasonably confident that the boxes delineated by straight lines are batten fences that surrounded the houses in the village.

Ihumātao, Ōruarangi and Waitomokia

- 5.46 Around the volcanic cones of 'Thumatoa' [now called Ihumātao] and Moerangi [now called Ōtuataua], and the Ōruarangi Creek and the 'Waitamakia' [now called Waitomokia], are shown the settlements and field systems on the coastal foreshore and at the mouth of the creek. The field systems, known from the characteristics and notations on the survey plans of Houhora and Parengarenga Harbours to be Māori cultivations, are shown along the coast to the west of Moerangi and across the flats to the east of Ōtuataua and Waitomokia.
- 5.47 From Ferdinand von Hochstetter's 1859 map, that was published a year before the chart, we know that the western part of the field systems overlaid areas of volcanic rock and the eastern field systems overlaid the volcanic ash tuff (Hochstetter (1865), Auckland Central Library NZ Map 55694b).
- 5.48 (The characteristics of the Ihumātao and Ōruarangi areas are discussed in more detail in the Archaeology discussion below.)

Little Huia – Jack Wade's Home and property (Marama Stream)

- 5.49 On the north side of the harbour, around the shores of 'The Huia' bay, are a number of houses. Two of these are associated with characteristics indicating houses and cultivations. The largest of these, is on the western side of the Bay on the north banks of what is today called 'Marama Stream'. This settlement belonged to John Wade or Hake Marama and his Te Kawerau wife

Harata or Charlotte and their six children (Harvey 2001 p.78): “*John is said to have been given the land... by a chief of the Ngati Te Ata tribe called Te Kapita [sic Te Kātipa] in exchange for land on the Awhitu Peninsula...[he]...did not have official title to the land... but was finally granted the title in 1862...Later, John Wade (Jacky Marama) sold this land to the Gibbons family.*”

- 5.50 A newspaper report from the same year that the Manukau chart was published (*New Zealander* 26 Jan 1860 p.7) describes John Wade’s whare (or house). In another report John’s application for ownership of the land is recorded (*New Zealand Herald* 27 Nov 1866 p.4).
- 5.51 Archaeological survey has been completed throughout the Little Huia Bay area and stonework structures (fences, retaining walls and heaps) from land clearance activities have been recorded in the vicinity of Marama Stream (Hayward and Diamond 1978).

Māngere – (Ngāti Māhanga Settlement)

- 5.52 The characteristics and notations, across what is today called Māngere Bridge, show the location and layout of the Māngere ‘Native Settlement’. It is important to appreciate that the papakāinga at this time was essentially a pre-Christian settlement and the location of houses and surrounding cultivations are thought to show a more traditional cone-to-coast layout, rather than one significantly influenced by European ideas and practices.²²
- 5.53 The fields, in contrast to those at Ihumātao and Ōruarangi (described above), are trapezoid or rhombus in shape, with a predominant north-south alignment running from flats near the shore to the mountain, with the houses clustered along the foreshore in a regular pattern.
- 5.54 Again, from Ferdinand von Hochstetter’s 1859 map of the geology of the Auckland Isthmus, we know that the Māngere Bridge area was covered in scoria rock derived from the Māngere volcanic cone, and it is therefore reasonable to expect that the boundaries of the fields at this time were predominantly constructed of volcanic rock rather than wood pickets (see Hochstetter 1865, Auckland Central Library NZ Map 55694b).

Pūkaki

- 5.55 The surveyed coastline and characteristics around Pūkaki Creek are important. This is because they illustrate the extent of formal survey (as a

solid line with hatched lines to indicate coastal topography) and what might be called ‘indicative survey’ (a dashed line with no hachures showing topography and general dot shading throughout the upper catchment). Here ‘indicative’ means that tacheometric survey was not completed using either trig or traverse stations to check triangulations.

- 5.56 From these cartographic symbols, together with the absence of hachures to indicate topography, we can reasonably assume that the tacheometric survey ended at Nganui Point. This was the highest navigable point on a low tide, and from here, we can deduce that the coastline was either walked, given the more-or-less correct form of the whole catchment (when compared with present-day maps), or alternatively, it was projected using other survey maps accessed through the office of the New Zealand Surveyor General.

Puketutu Island

- 5.57 The survey of Puketutu Island shows a single dwelling and five surrounding broadly rectangular fields on the coastal flats in the middle of the north coast. These characteristics appear to be similar to those at Māngere, but are more regular and less complex.²³ [Refer to Fairfield (1938 Plate 4 page after p.120) for an aerial photograph of this area showing the ploughed paddocks, surrounding drystone walls and dwelling.]

Summary

- 5.58 In summary, the characteristics or cartographic symbols that are used on the 1853 Manukau Harbour Chart that was published in 1860 by the British Admiralty Hydrographic Office, illustrate different types of Māori settlements and field systems. Importantly, these range from complex villages, to smaller residences or hamlets with one or two houses. Through additional research, some symbols have been shown to be wood batten or picket fences in a sand environment (in the case of Āwhitu). And in the case of Māngere, Puketutu Island, Ihumātao, and possibly Waitomokia, it has also been argued, given the underlying geology, that rock drystone walls were possibly used in addition to wooden fences; archaeologically and historically, there is a long standing tradition of Māori as stonemasons and wall builders. [Refer to Fairfield (1938) for a description of Waiohua stone building practices with the names of the different structures and descriptions of how they were used.]

1866 John Henry Lowe confiscation block surveys

- 5.59 Reference to Attachment 2 (LINZ SO 236) and Attachment 3 (LINZ SO 237) will be helpful in the following discussion. These are two 28 May 1866 survey plans produced by John Henry Lowe for the Ihumātao block (including the subject property).
- 5.60 The subject property is located on two 1866 Survey Office or SO plans of Ihumātao, of which black-and-white copies were used in the revised Assessment (Bickler *et al* May 2017 p.27 and p.34, Figs. 15 and 19). The Assessment discussion (pp.30, 87 and 88) identifies the fact that there are two plans, without identifying which was accepted by the Compensation Court as the official one, and simply describes some of the features recorded across the subject property. These features included the stream and swamp, a ‘hut’, and the ‘chapel’ located in the adjacent ‘Township’ of Puketāpapa Papakāinga. The Assessment (p.87) also emphasises the apparent correlation between the ‘earliest subdivision’ surveyed boundaries, and drystone walls reported from oral history to have been built by the Wallace family and now recorded as part of archaeological site R11/3000. However, the Assessment does not provide any historical context for these plans, which is considered critical for understanding their content.
- 5.61 One question remains outstanding: Which of the two Ihumātao plans was formally accepted by the Chief Provincial Surveyor (and the Court) as the final correct one?
- 5.62 Finding an answer to this question is made difficult by the fact that, once again, the surveys were done before regulations provided direction in this matter (see *New Zealand Gazette* 5 Apr 1867 p.137-138). Contrary to what might be expected from the SO numbers (i.e. the larger of the two being the final one), a faint pencil notation on the bottom-left corner of SO 237, adjacent to the ruled scale, shows that there were surveying errors and this plan was consequently rejected. This is also supported by the red crosses through the boundary line subdivisions of Lowe’s survey numbers 6 and 7, being Allotments 168 and 169 that were subsequently granted to Āpihai Te Kawau.
- 5.63 By way of background, the book by Vincent O’Malley (2016 pp. 83, 206-211, 482-483) *The Great War of New Zealand: Waikato 1800 to 2000*, provides a comprehensive and detailed history of the events surrounding the 9 July 1863 Proclamation, the forced departure of Māori from their settlements on the Manukau Harbour, and the subsequent British invasion of Waikato. Graeme

Murdoch (7 May 2009 pp.28-29) has reported on the land confiscations and Compensation Court hearings, and how these events impacted on the residents of Puketāpapa Papakāinga.

- 5.64 In addition, for completeness, reference to Attachment 16 (LINZ 235) and Attachment 17 (LINZ SO 238) will be helpful. These complete the set of plans produced by John Henry Lowe in 1866 of all three-confiscation blocks, the other two being named Pūkaki and Papaahinu.²⁴
- 5.65 The surveys that were completed of the Ihumātao block (including the subject property), and the Pūkaki and Papaahinu blocks, were an outcome of the Compensation Court set up under the *New Zealand Settlements Act* (3 Dec 1863). This Court was formally established in 1865 to determine claims made by ‘loyal’ Māori and it was presided over by Francis Dart Fenton who was also Chief Judge of the Native Land Court.
- 5.66 In the discussion below, the following questions are addressed: What direction was provided in law and regulation for the confiscation block surveys? Why and How were they completed? Who did the surveys? When was the work done? And How can these plans be used to interpret the archaeological evidence located across the subject property?
- 5.67 The *Waste Lands Act* (16 Aug 1856) provided for Superintendents and Provincial Council to enact laws regulating the sale letting, disposal and occupation of Waste Lands of the Crown.
- 5.68 The *Native Lands Act* (15 Sep 1862) provided for the ascertainment of Māori [‘Native’] land ownership for granting certificates of title and regulating land disposal through grants, leases or licenses. Significantly it addressed the Treaty of Waitangi articles and emphasised Her Majesty’s confirmation and guarantee to the Chiefs and Tribes of New Zealand (both families and individuals) the full exclusive and undisturbed possession of their lands and estates, for as long as they desired to retain them, and the Crown right of pre-emption to establish courts and make provisions for ownership under British law. Provisions were included (s.XIII) for the Governor to license of surveyors to ‘mark out the ground’ and ‘set forth the metes and bounds’, and (s.XXI) for the adoption of Regulations or Plan to be approved by the Governor and published in the *New Zealand Gazette*. Here, ‘metes and bounds’ is a legal term meaning a surveyors description of a parcel of real property using carefully measured distances, angles and directions, resulting in a legal

definition of land (refer to URL:
https://en.wikipedia.org/wiki/Metes_and_bounds, accessed 3 Mar 2018).

- 5.69 Significantly, for better understanding the confiscation block surveys, and what was set out in the plans, the *Native Lands Act 1862* (ss. XXI-XXIII) specified the Crown right to Regulate and Plan with the reservation of public roads, highways, schools, hospitals, churches, chapels of other ‘eleemosynary’ [charitable] institutions, for either the public or common use of the Native owners or other body nominated by the Governor. At request of the Natives the Governor could request surveys and maps to be made (s.XXVIII). In addition, the Governor could issue Grants in exchange for certificates as he was empowered to do in respect of Waste or Demesne Lands as if such land had been ceded by the Natives to the Crown (Her Majesty) (sXVIII).
- 5.70 Following the chronological sequence above, the *New Zealand Settlements Act* (3 Dec 1863) enabled the Governor to establish settlements for colonisation in the North Island of New Zealand. The law recognised Māori in rebellion against the Crown and the need to protect ‘well-disposed Inhabitants of both races’ and prevent future insurrection and rebellion so as to maintain the Governor’s authority and law and order. As of 1 January 1863, the Governor was empowered to declare any land being the property of a tribe (or section of a tribe or ‘any considerable number’ of a tribe) a District under the provisions of the Act, to be set-aside as settlements for colonisation (s. III). Compensation was to be granted to those Natives not engaged in making war against the Crown, or not engaged in aiding assisting or comforting such persons, or having advised induced persuaded or conspired other persons to make war against the Crown (s.V). Natives were called upon to submit to trial according to law to determine whether or not they were entitled to compensation (s.VII) and the Act established Compensation Courts to hear claims and determine the right of claimants to compensation.
- 5.71 Again, importantly for better understanding the 1866 survey of the subject property, the Act enabled the Governor to conveniently lay out sufficient Towns and Farms for the granting of land in return for Military Service (s.XVI). These were then to be surveyed and laid out in addition to suburban and rural allotments, following additional regulations (ss.XVII-XVIII). Any monies made from the disposal of land taken was to be directed at repayment of the

expenses incurred from suppressing insurrection and the formation and colonisation of settlements (s.XIX).

- 5.72 Note that the *New Zealand Settlements Act 1863* was altered, amended and continued by the *New Zealand Settlements Act Amendment Act 1864*.
- 5.73 The *Native Lands Act* (30 Oct 1865) amended the laws relating to land owned by Māori and managed under customary practices. It also established the Native Land Court to investigate (among other things) claims, to complete surveys and grant certificates of title, and also provide for the transfer of titles upon the death of owners. Surveys were to be done by licensed surveyors according to rules or regulations made and amended occasionally by the Chief Judge who had them published in the *Auckland Provincial Government Gazette [APGG]*.
- 5.74 One such set of regulations were issued through the Native Land Court Office by Chief Judge Fenton for licensed surveyors in Apr 1865, one year prior to the survey of Ihumātao being completed (APGG 19 Apr 1865 pp.53-54).²⁵ In addition to defining boundaries with cut lines and posts, regulations required measurements to be added on horizontal distances to trigonometrical stations or natural features, like a stream or coast, and suitable map scales were to be provided and particular ink colours used. Only natural features within the survey such as woods, swamps, hills or paths, were to be drawn with the name of every stream, creek or harbour shown.
- 5.75 A further set of regulations were published later in August (APGG 6 Aug 1866 pp.282-283), but these broadly provided direction for surveyors to connect their surveys to Points on the ‘Maps of the Auckland Province’. For example, Manukau surveys were to be linked with a pile of stones and pole at Māngere [presumably on Māngere Mountain], and the North Head flagstaff [presumably on Paratuatae, also spelt Paratutai] (see Byrne 1991 pp.183-189).
- 5.76 Here it is important to appreciate that it was not until a year later that further instructions were provided in respect of survey rules for surveyors licensed under the Native Lands Act 1865 (APGG 5 Apr 1867 pp. pp.135-140). And it was at this time that a rule (No. 44) was added specifically addressing ‘Native Names’: “*Native names of all rivers, hills, cultivations, and pieces of land, are to be distinctly written on the map, together with the name and ownership, as far as these can be ascertained, of the adjoining lands.*” Therefore we can be

confident that there was no formal obligation for surveyors to record artificial (i.e. man-made) features prior to this.

- 5.77 The surveys were completed at the direction of the Francis Dart Fenton, Chief Judge of the Māori Land Court, following land confiscations and Compensation Court hearings in 1866 (*Daily Southern Cross* 21 Apr 1866 p.5). At the time there was no precedent as to when and how the surveys would be completed, or by whom, and there appears to be some confusion about the processes to be followed: "*There was no machinery in the Court for surveying land or for determining boundaries.*" (*Daily Southern Cross* 26 Apr 1866 p.6).
- 5.78 During the Compensation Court hearing of the Ihumātao block, some discussion was focused around the value of the land and whether or not the Court could make awards without a survey (*Daily Southern Cross* 30 Apr 1866 p.6): "*The Chief judge said that they were bound to make a definite order upon which the Crown grant could be issued. The Court had no means of making a survey, and he did not see how they could make a legal and valid order until they had a survey. If both sides agreed to produce a plan, the Court would make an order. But he was quite clear that the Court must be specific, and point out the precise land to be given to each claimant...This concluded the business before the Court, except the arrangement of some matters of detail.*"
- 5.79 Subsequently, at the end of the Compensation Court hearing, John Henry Lowe (Civil Engineer and Surveyor), who previously been licensed to practice survey in 1865 under the *Native Land Act* 15 Sep 1862 (refer to Lawn 1977 p.158 and see *New Zealand Gazette* 12 Oct 1865), surveyed the confiscated Māori settlements and surrounding land. This is evidenced by his signatures on the plans (in chronological order): Ihumātao (LINZ SO 236 and SO 237, 28 May 1866); Pūkaki (LINZ SO 235, 17 Jul 1866); and Papaahīnu (LINZ SO 238, 2 Aug 1866). Importantly, for better understanding the first cadastral survey of the subject property, we have four survey plans that were completed between the months of May and August 1866, to compare with one another.
- 5.80 Briefly, according to bibliographic information, Lowe was born 22 November 1841 and trained as a civil engineer and surveyor and he had arrived in Auckland in 1864 (*New Zealand Railways Magazine* 1 Jun 1928 p.8). He later worked in both the North and South Islands, also travelling and working

overseas, and he became the first Chief Engineer of the New Zealand Government Working Railways. Lowe was engaged as a surveyor under the Provincial Government of Nelson and initiated the triangulation survey of the Nelson Province.

- 5.81 To date, Lowe's survey notebooks for the 1866 confiscation block surveys have not been located (pers. comm. Sarah Mathieson, Senior Archivist National Archives Auckland, 5 Jan 2017). This follows research and correspondence with: (i) LINZ Wellington (pers. comm. Kerry Twydale, Assistant Surveyor-General (Statutory), Location System Group, 22 Jan 2017); (ii) the Marlborough Museum; (iii) the Nelson Provincial Museum (pers. comm. Helen Pannett, Manager Research and Archive, 21 Mar 2017); and (iv) Lowe's descendants in Auckland and Nelson (pers. comm. John Henry Lowe of Motueka, 25 Feb 2018).

Ihumātao

- 5.82 A close examination the Ihumātao plan (SO 236) shows that Lowe completed his task as was directed with the primary focus being on natural features rather than artificial or man-made ones. Here, it is worth noting that it would have been difficult for Lowe to meet any regulations requiring the identification of Māori names for features or cultivations, because the occupants with this knowledge had been 'ejected' or forcibly removed three years earlier in 1863 following the 9 July Proclamation (refer to *New Zealander* 10 Jul 1863 p.3).

- 5.83 On the Ihumātao plan, natural features included the coastline, streams, a lagoon (designated Water Reserve) and the volcanic cones and some associated volcanic topography shown with brown hachures or shading (Ihumātao Lot 168, Ōtuataua Lot 177B and Puketāpapa Lot 181) with two of these being designated Quarry Reserves.

- 5.84 In addition to natural features, the following man-made structures were noted by Lowe (in Allotment order): (i) An 'Old Pa' on the coast, west of what is today called Renton Road, delineated by a hatched line (Lot 165); (ii) a hatched line directly west of the 'Old Pa', presumably a fence line, that is shown as being a more extensive alignment (compare SO 236 and SO 237), possibly bordering Lot 165 that was granted to 'Paora Katipa and Mere Kataraina'; (iii) A 'Reserve' west of Ihumātao cone, being the Ihumātao Mission, showing five buildings (Lot 169); (iv) A 'Grave Yard' (Lot 178); (v) A

'Chapel' (Lot 196); and (vi) two parallel curved hatched lines on the north bank of the Ōruarangi Creek, possibly indicating a track.

- 5.85 It is important to note that the plans were not static documents and they were continually reused following the survey. Pencil notations were added, acreages changed, survey lot numbers crossed out, and the names of Crown Grantees and subsequent landowners noted (compare SO 236 and SO 237). One pencil notation of particular interest is the word 'Atuataua' alongside the Ōtuataua Quarry Reserve (SO 236); a close inspection of the Ihumātao cone shows a series of rectangular pencil 'doodles' located on the top terrace being reminiscent of Māori rua kūmara or storage pits that were known to be located here.

Pūkaki

- 5.86 The Pūkaki survey plan (SO 235), in addition to including both Lowe's survey numbers and Allotment numbers and the Crown Grantees, records the location of a 'Church' on a peninsula reserve (Lot 154) with the notation 'B. of N. Z.' [Bishop of New Zealand], being a consecrated place (rather than a chapel or religious meeting place), and a 'Burial Ground' demarcated by a hatched line on a headland at the entrance to what is today called Pūkaki Lagoon explosion crater (Lot 160). There is also second hatched line across a small headland on the opposite side of the peninsula (Lot 158), and today from NZAA archaeological site records, we know this is a headland pa (site R11/2041). Streams are shown, but there is no indication of the Pūkaki Village that was known to be located across this peninsula (refer to Lawlor 4 Apr 2016 pp.37-48 for more historical background).

Papaahinu

- 5.87 The Papaahinu survey plan (SO 238) was the last of the three confiscation blocks to be surveyed by John Henry Lowe on 2 August 1866. From the various signatures it appears that Government systems were now in place and the appropriate sign-offs were expedited (chronologically): (i) A. Sinclair signed 4 August 1866 that the plan was correct; (ii) C. H. Otway signed 16 August 1866 that the plan was examined and the quantities were correct; (iii) James Mackay signed 12 October 1866 that it was agreed that the Pūkaki block (north of the Papaahinu on the other side of Pūkaki Creek), would be reserved for native purposes and the Papaahinu land opened for settlement

or sale as Crown Grants; and (iv) (through a torn remnant of a Gazette notice) the lots were auctioned for sale 11 March 1867.

- 5.88 Like the Ihumātao and Pūkaki block surveys, the Papaahinu plan records the coastline and streams, as was directed by the regulations of the day (discussed above). There are three man-made structures identified: (i) a jetty or wharf on the west side of the Pūkaki Creek; (ii) a hatched line with the notation ‘road’ linking the Papaahinu block with the Pūkaki block across Pūkaki Creek; and (iii) a ‘Chapel’ (NZAA site R11/230), that had been formally opened three years previously (*New Zealander* 5 Jun 1863 p.2), located on Lowe’s survey lot number 1 or Allotment 182 that has a crossed out notation ‘Native Allotment’.
- 5.89 Other than the chapel belonging to the tribe of the then deceased chief Jabez Bunting Ngamuka,²⁶ being a substantial European-style wooden building capable of seating 150 to 180 people, no other ‘Native’ structures or features were recorded. For example: (i) pā site R11/45 with a large ditch and bank earthwork adjacent to the chapel; (ii) the Papaahinu Papakāinga associated with the chapel (Foster and Sewell 1995); and (iii) numerous other undefended settlements known to be located across this block (Sullivan Nov 1973 for archaeological survey information). This same chapel is believed to be one of the buildings that was sacked by armed troops and settlers following the forced eviction of the settlement following the Proclamation of 9 July 1863 (discussed below).
- 5.90 To conclude, the saying ‘absence of evidence is not evidence of absence’ is relevant for how the revised Assessment (Bickler *et al* May 2017) has used the 1866 survey plans SO 236 and SO 237 by John Henry Lowe. Black-and-white copies of the manuscripts are used (presumably downloaded from Quickmap), but there is no historic context provided for the original survey work. An examination of all three confiscation block survey plans that were completed at this time shows that the emphasis was on natural features with mainly key ‘Christian’ structures being recorded (e.g. two chapels and a church). Numerous other structures and features, including villages and settlements that are known to have been present from historic records of the day, were simply ignored following direction from the legislation of the day and Government *Gazette* instructions for licensed Native Land Court surveyors. (See Archaeology discussion below for an analysis of the correlation between the allotments, that were purposefully designed and

sized for military settlement, and the underlying Māori field systems surveyed in 1853.)

Deeds

- 5.91 Reference to Attachment 18 will be helpful in the following discussion. This is a summary of Crown Grants and Deeds Register information for Lots 175 and 175 (the subject property), and Lot 174 (the adjacent Allotment).
- 5.92 The revised Assessment (*Bickler et al* May 2017 p.23) states that Gavin Wallace arrived in Auckland 14 February 1866 with his wife, having followed his two brothers James and Archibald to Māngere, and he purchased Lots 175 and 176 at Ihumātao in 1867. In a linked footnote (No. 19), it is also stated that Gavin Wallace owned Lot 174 (in addition to others), being a ‘fact’ taken from Tatton’s (Oct 2005 p.8) OSHR previous landowner oral history. Within the revised Assessment (p.23) Lot 174 is identified through the oral history of Ailsa Blackwell (nee Wallace) as the source of the scoria rock used in the construction of drystone walls on the subject property by Gavin Wallace, the supposed owner (Crown Grantee).
- 5.93 However, primary historic records show that the revised Assessment stated ownership of Lot 174 is in fact incorrect with use rights of the extended Wallace family constrained by lease agreements. (See Attachment 18 summary table and endsheet for related facts and figures).
- 5.94 The Crown Grant for Lot 174 (Lowe’s survey lot 12) was first purchased by William Buchanan [28 Dec 1867] and then conveyed and mortgaged to James Wallace for £260 [20 Jun 1868]; James was an older brother of Gavin Struthers Wallace who was the Grantee for the adjacent Lots 175 and 176 (the subject property). Approximately one-and-a-half years later [1 Dec 1869] James discharged to mortgage owing to Buchanan, and then five years later [27 Mar 1874] he leased the lot to the adjacent landowner John Sommerville (see SO 236 Lot 173 for notations).
- 5.95 Deed 49012 (28D-260) records the leasing, on 27 March 1874 of Lot 174 (52 acres or approximately 21 ha), from James Wallace (the owner and Lessor) to John Sommerville (the Lessee and adjacent landowner), for a period of ten years (starting from 9 March 1874) at an annual rate of £26 paid half-yearly on 9th September and March in each year. The Deed, besides describing in detail the area of Lot 174, records that the Lessee was responsible for taxes, rates and other outgoings.

5.96 However, in addition, the lease agreement records the following (p.261): “...
And also shall and will at any time during term when requested by the lessor or by Gavin and Robert Wallace brothers of the said lessor either of them so to do erect cause and maintain and his and there own expense good and substantial boundary walls or wall of scoria between the land hereby determined and the adjoining lands belonging to the said Gavin Wallace and Robert Wallace respectfully And also will at his own expense throughout the said term maintain cleanse and keep in good order and condition the said walls (sic) ‘and all’ gates fences both live and dead ditches banks drains water courses and appurtenances [accessories] to the said premises belonging and also shall and will at the end or sooner determination of the said term deliver up to the Lessor his heirs and assigns the said land and every part thereof clean and well and properly laid down with good perennial grass and clover and also shall and will during the said term root out of the said determined land and keep the same clean from furze [gorse] docks thistle and other noxious weeds which now are or at any time may be growing or being thereon And also the said lessee his executors administrators or afsign shall and will cultivate the said land in a good and husbandlike manner according to the custom of farming in the said Province of Auckland...”²⁷

5.97 Simply put, John Sommerville had a 10-year use right from James Wallace over Lot 174, for £52 a year, and he was responsible for building the boundary scoria drystone walls, and maintaining these and other ‘fences’ drains and watercourses and the land, to a suitable farming standard.

5.98 In addition, the lease also enabled access by James Wallace and others, presumably both Gavin and Robert Wallace being adjoining landowners and brothers identified in the lease, to continue take scoria rock from off Lot 174 (p.261-262): “... *And also the said lessee his executors administrators or afsigns [sic] (on Erasure) and his and their servants and workmen may at any time during the said term enter the said land or any part thereof with carts and harrows and remove therefrom any of the scoria stones which now are lying upon the said land provided that reasonable compensation shall be paid by the lessor his heirs assigns to the lessee his executors administrators or assigns for any damage to the crops or other property of the lessee which may be caused by such entry...*” This is followed by complex of legal phrases that relate to processes and timing in the event of disagreements arising.

5.99 Again, the lease simply enabled James Wallace, with his brothers and workmen, to enter Lot 174 and cart away scoria with payment being made for any resulting damage to crops or property.

5.100 It is interesting to note that Gavin Wallace advertised for contractors to build a drystone wall in 1888, four years after the lease over Lot 174 ended (refer to *New Zealand Herald* 3 to 7 Apr 1888 p.8). Over a period of a week, the following Tender notice was issued each day: “*Contractors wanted to put up a Stone Wall 4 ½ feet high, 3 feet wide in the bottom, at Ihumata [Ihumātao]; stone on the ground. – Apply, before Saturday, to Gavin S. Wallace, Mangere.*” We are left to presume that the tender was filled and a wall was built at this time to specifications using the scoria from off Lot 174 that was then owned Gavin’s older brother. This notice is considered important, because not only does it provide proof that stonemason contractors were employed to build a wall, it also provides the dimensions of the structure built.

5.101 On 8 August 1890 Lot 174 was conveyed (through Deed R35-544) from James Wallace to his brother Gavin. Gavin held the land until he died and a probate was issued (22 Sep 1921) and the land past to his son Hugh Wallace (Ailsa Blackwell’s father). A Certificate of Title (CT 758/49) was finally issued to Hugh 13 September 1939.

5.102 Prior to this, on 11 December 1905 a small triangle, measuring 1 rood and 1 perch (about 1037 square metres or 0.26 acres), was sectioned off from the lot on the northeast corner, so to enable access to the Ōruarangi Creek bridge that was reportedly built from stone collected off Lot 174 (pers. comm. Ailsa Blackwell to Kim Tatton Oct 2005 p.16 p.). The bridge was built between 12 November 1904 and 20 May 1905 and was officially opened at 2PM on Saturday 2 June (see *New Zealand Herald* 5 June 1905). (See reference to historic photographs of the bridge building and opening below.)

5.103 In summary, register and deeds records show, contrary to statements made in the revised Assessment, that Lot 174 was not owned by Gavin Wallace until the land passed from James Wallace (his older brother) to him in 1890. Prior to this, through a 10-year lease agreement from 1874 to 1884, and at a cost of £520, John Sommerville (an adjacent land owner) was responsible for building the drystone boundary walls and maintaining them, the land, and other structures. The lease provided for ongoing access to the surface scoria rock using cart and harrows, by the lessor (James and his brothers or their

workmen), with a clause for compensation to be paid to John Sommerville if crops were disturbed in this process.

Newspapers (*AJHR* and *Photographs*)

5.104 Newspapers, together with the *Appendix to the Journals of House of Representatives* [*AJHR*] and some historic photographs, provide a wealth of information about the history of human activates across the Ihumātao peninsula generally, and in particular, the Ihumātao Mission and the adjacent Pā, and Puketāpapa Papakāinga which borders the subject property (also referred to as Puketāpapa Pā, Village or Settlement and Township). These reports help with our understanding and appreciation of the industry and economies of these communities as they interacted with one another and traded with the growing town of Auckland. They were primary points of contact between local Māori and their Waikato relatives, with missionaries, traders and agents of government, and the settlements rose to national notoriety through being associated with formative hui or meetings that were later considered to be part of the rise of Kingitanga or the King Movement (*AJHR* 3 Nov 1860 F-03 Report of the Waikato Committee, also refer to O'Malley 2016 p.83 and p.207, for example).

5.105 Here it is important to appreciate that the Māori settlements of Ihumātao and Puketāpapa, and their trade with the growing town of Auckland, were significant to the rise of Pōtatau Te Wherowhero to take on the Māori Kingship. As Pei Te Hurinui [Jones] (2010 p.190) has stated, Pōtatau was obviously aware of the burden that this role would place on his people, in providing supplies of food for the tribal gatherings that would go with the position. Te Hurinui then went so far as to suggest, that other chiefs who turned down the position, did so because they felt their tribal resources would not be equal to the strain of keeping up with the position of King.

5.106 However, before examining these records, it is important to appreciate what is meant by the names Ihumātao and Puketāpapa as these have been regularly misspelt, along with the names Māngere, Papaahīnu and Pūkaki, being communities that were established after 1836, when the tribes returned to Manukau and Auckland under Te Wherowhero (refer to Orakei Minute Book No. 1 and No. 2 for original oral statements given in Court, and also refer to R. C. J. Stone 2001 pp.150-179 in *From Tamaki-makau-rau to Auckland* for a summary of this history). Misspellings have regularly been the source of some confusion, and names are often broadly used and misused

without reference to a place on the ground (for examples, see *Auckland Star* 22 Sep 1928 p.8 and 23 Feb 1929 p.8, and *New Zealand Herald* 22 Jun 1931 p.6).

5.107 Ihumātao (meaning Te Ihu a Mataoho, or the nose of Mataoho) originally referred to the volcanic cone that was also called Maungataketake or Elletts Mountain, which has now been removed from the landscape by quarrying. This sequence of name-changes is best illustrated on a series of charts, maps and plans: the 1853 *HMS Pandora* Manukau Harbour Chart published by the British Admiralty 1 Mar 1860 (see Attachment 13); Ferdinand von Hochstetter's 1859 geology map of 'The Isthmus of Auckland and its extinct volcanoes...'; and the 28 May 1866 Survey Plan of Ihumātao block (see Attachments 2 and 3) by John Henry Lowe following land confiscations (LINZ SO 236 and SO 237). For a detailed analysis of related historic records manuscripts and publications refer to my assessment of the OSRR heritage resources (Lawlor 4 Dec 2009 pp.31-62).²⁸

5.108 The name Ihumātao was also adopted for the name of the Wesleyan Ihumātao Mission established by the Reverend Henry Hassel Lawry on the coast directly adjacent to the volcanic cone in c.1847 (refer to A. Tonson 1966 p.42 quoted in Lawlor 4 Dec 2009 pp.38-42). This Mission Station formed part of the Wesleyan 'Manukau Circuit' which also included a church and a chapel at the settlements of Pūkaki and Papaahīnu [also variously spelt Papāhīnu and Papa-a-hīnau], located six kilometres south of Puketāpapa Papakāinga along the coast on Pūkaki Creek.²⁹ Then 20 years later, the name Ihumātao was used for confiscation survey block covering the whole Ihumātao Peninsula (LINZ SO 236 and SO 237), and it was from this time that the broader area became known as the Ihumātao District (*Auckland Star* 23 Feb 1929 p.8).

5.109 In newspapers, and government reports and correspondence, Ihumātao has variously been referred to as Aihumata, Ihumata, Ihumatara, Ihumati, Ihumato, Thuamatoa and Ishumata. Today, Puketāpapa Papakāinga or Village (the present-day location of Makaurau Marae) is also referred to as Ihumātao. Puketāpapa has been variously spelt, as has Ōruarangi Papakāinga (see G. Murdoch 7 May 2009 p.15). As a consequence, some historic details have been 'lost' in the records, and specific locations on the ground have been miss-placed or not appreciated.

5.110 From one of the earliest newspaper editorials and reports we learn (chronologically) Māori or ‘the Natives’ of Ihumātao were digging deep drains to expose rich black vegetable mould for growing crops (here presumed to be the large swamps located directly south of Ihumātao volcanic cone), and these traditional practices were commended to European settlers who it was believed could benefit from similar endeavours in breaking in new land (*New Zealander* 28 Jul 1847 p.2).

5.111 Six years later, the three months of surveying activities by Commander Byron Drury and the crew of the British Admiralty brigantine *HMS Pandora* were regularly and comprehensively reported, as the officers weekly walked into Auckland town to take and collect mail and supplies, and provide sailing instruction reports for immediate publication in newspapers (e.g. *New Zealander* 9 Feb 1853 p.2, *Daily Southern Cross* 1 Mar 1853 p.2, and *New Zealander* 8 Jun 1853 p.3). (The systematic survey of the Manukau harbour and surrounding land by the *HMS Pandora* crew is covered in more detailed Historic Record discussion above, and is also covered again in the Archaeology discussion below.)

5.112 Government officials, missionaries and businessmen, including Bishop Selwyn, Reverend Thomas Buddle and Thomas Forsaith, regularly visited both Ihumātao and Ōruarangi (Puketāpapa) Papakāinga, in attempts to sort out land claims and cross-claims, meeting with local chiefs and other elders, including William or Wiremu Wetere, Āpihai Te Kawau, Waata Kukutai, and Te Wherowhero (AJHR 3 Nov 1860 F-03 Report of the Waikato Committee).

5.113 Two years later, after the survey of the *HMS Pandora* Harbour, Chief Wetere Te Kauae (of Ngāti Tamaoho) from Puketāpapa Papakāinga on Ōruarangi Creek had taken exception to the Crown disposing of land in the vicinity of the settlement, forming about 69 acres where he and his people have been cultivating for years (NZETC 12 Jun 1855). Wetere had confronted Major Greenwood’s overseer resulting in Donald McLean (the Chief Commissioner) reporting the claim to the Colonial Secretary. He reported that he could find no evidence of Wetere having ever being paid and stated that Wetere had always objected to the sale by a Ngāti Whātua Chief Te Tawa. Wetere claimed that 1200 acres had not been alienated. A payment of £60 was proposed to address the claim.³⁰

5.114 A brief newspaper article on ‘Local Intelligence’ (*Daily Southern Cross* 8 May 1857 p. 2) reported on a proposed great meeting to be held in the

neighbourhood of Mangere on the exhumation of the bones of Jabez or Epiha Bunting (chief of Ngāti Tamaoho tribe). Two or three thousand people were expected to be present at the meeting to be held in about three weeks time towards the end of the month.

5.115 Subsequently, a detailed report on the meeting was published in the *Maori Messenger* (30 May 1857 p.1): “*The Waikato tribes are at present assembled at Ihumatao, on the Manukau, where they are entertained by Wetere Te Kauwae’s people. Many principal chiefs are there engaged in conference. The subjects discussed are numerous. Many sensible things are spoken, and many also that are foolish. Among the former, we hear with pleasure of a determination to suppress strife and disorder among the tribes; to adopt and enforce laws to which all shall be like amenable; to put a stop of the violent and lawless proceedings of individuals; and to insist on the proper investigation of all cases of dispute before authorised tribunals.*”³¹

5.116 The ‘Native Feast at Ihumatao’ was also covered the *New Zealander* (13 Jun 1857 p.3). It was reported the principal object of the meeting or tangi was to commemorate the death of Jabez Bunting who had died the previous year in Māngere. The meeting was attended by many chiefs of rank, including Te Wherowhero, William Naylor, Te Waru and his son Tate, Te Katea, Te Huehue from Taupo, Te Katipa, Wetere, Te Kauae, Moses from Pūkaki, Arama Karaka, Heta from Mangere and others amounting to about 1000 people. Bishop Selwyn and the Reverend Thomas Buddle took religious services on the Sunday but these were interrupted by rain. It is reported: “*At 7 in the morning as many as could get into the small Wesleyan Chapel met for reading Scriptures and united intercession...several Native Teachers engaging in prayer.*”

5.117 The services were then split and Bishop took a 10AM service in a tent occupied by Ngāti Haua and Reverend Buddle took a service outside. Importantly, for better understanding what the settlement was producing in the way of food for the tangi, the report on the Monday morning presentation of food is enlightening: “*Monday morning was employed in the presentation of the food which had been provided for the occasion by Wetere and his people. It consisted of 1800 baskets of potatoes, 5000 sharks, 6000 loaves of bread, several bags of biscuit, and several bags of sugar, with a quantity of tobacco; a large number of tin panikins and iron tea kettles being provided.*”

5.118 The newspaper report goes on to cover the speeches that were made followed by the tangi, but rain resulted in the postponement of a planned meeting that was held over. On the next day at 10AM following the bell a meeting was held in the open air with those attending sheltering from the cold wind behind a ‘wall of potatoes and dried sharks’ that stretched for 140 yards. The newspaper report goes into fine detail about the proceedings and speeches that focused mainly on the Christian gospel teachings and the positive moral and social benefits that Missionaries had brought to Māori through these practices. However, raruraru or disagreements arose primarily over land claims by Wetere (from Puketāpapa, who recognised both claims and was willing to divide proceeds) and Katipa (from Waiuku, who was unwilling to make any concessions). Wetere publically handed over certain lands to the assembly of chiefs with the understanding that they were only to be alienated through mutual agreement. The meeting ended after further efforts to resolve differences failed, and it was concluded that discussions showed a general consensus to have tribal boundaries defined with land claims being settled through arbitration rather than force of arms.

5.119 A follow-up newspaper report published four days later covered this same meeting (*New Zealander* 17 Jun 1857 p.3). This is important, because it highlighted the fact that Puketāpapa Papakāinga was at the forefront of new attempts to resolve tribal differences through moot court or simulated proceedings, with participants taking on the roles of Native Assessors to judge the case, with lawyers for the claimants and defendants, who had their respective witnesses: “*What an improvement on the old plans of Maori retribution and recovery by fighting. Does it not shew [sic] their appreciation of the superior customs of civilised life, that they are prepared for a wider application of our laws, and are ready and willing to receive and conform to them? They are looking for some better means than they now possess of punishing and preventing crime amongst themselves, and of otherwise improving their social condition. And again we say the Government will do well to watch these indications – to take advantage of them by introducing such changes in legislation and jurisprudence as will tend to accelerate the amalgamation of the races.*

” The benefits of education were reinforced.

5.120 A second meeting was then held at Puketāpapa Papakāinga over three days from Thursday 25 March 1858 with between 600 and 700 people being present (*Maori Messenger* 30 Apr 1858 p.1 published in Māori and English). The *New Zealander* (27 Mar 1858 p.2) reported that the meeting was to

consider issues of local interest, however, the following statement probably got to the ‘heart of the matter’: “*For some time past many natives who were fortunate enough to have friends or connections residing in the vicinity of any of the European settlements near Auckland have availed themselves of the great advantages offered by such location for the purposes of trade and employment; but this system having become irksome to the Manukau tribes, they have called a meeting to devise some feasible plan for compelling these interlopers to return to their homes, and securing themselves the full benefit of the Auckland market.*”

5.121 Simply put, it was the economic advantages of the rich fertile volcanic gardening lands bordering the Ōruarangi Creek (including the subject property), with the ready tidal water access for shipping crops in scows to the Onehunga and Auckland markets, that was at the root of local infighting. The meetings were an attempt to resolve these differences.

5.122 The meeting was essentially to decide whether a portion of Te Ahiwaru who then resided at Puketāpapa should stay or return to Waikato from where they came. It was reported that Pākeha food was purchased for the occasion: “*3,600 loaves (2lb.), 1 ox, 1 pig, 9 bags sugar, with a plentiful supply of tea and butter. Bread and cheese, sweet biscuits and tea were also provided specially for Pakeha guests...The cost of the various Pakeha food amounted to 107l. [shillings]. The viands [food items] were spread upon temporary tables constructed for the occasion and placed in a shed 140 yards long.*”

5.123 Importantly, following discussions by the chiefs speaking as advocates for their respective tribes (Koroniria Tokuwaha for Te Ahiwaru, Pāora Tūhaere for Ngāti Whātua, Īhaka Takaanini for Te Ākitai, and Höhepa Otene who held ‘mana’ or authority over the land), two documents were drawn up and signed on the second day of the meeting to help resolve disagreements:

- (a) Puketāpapa March 26th 1858 – Höhepa Otene consented to make over to Te Ahiwaru the land called Puketāpapa, to be a permanent possession for themselves and their children after them, for ever. And it was also agreed by the Runanga of Te Ahiwaru, that this land shall be given as a permanent possession (signed by Höhepa Otene and Erueti Hingawai and witnessed by Reverend Burrows, Tāmati Ngāpora and 21 others).
- (b) Puketāpapa March 26th 1858 – Īhaka Takaanini, Mohi Te Ahi-a-te-nugu, Hone Te Muhu, Peipene Te Tihi and the whole tribe of Te Ākitai

convey to Ngāti Tamaoho Ngāti Hinewai and Ngāti Hinemutu that land called Papahinu [Papaahinu], to a be permanent possession of themselves and their children for ever (signed Īhaka Takaanini, Mohi Te Ahi-a-te-ngu, Pāora Kina and eight others, and witnessed by Reverend Burrows, Hōhepa Otene and eight others).

5.124 On the third day the newspaper reported that local matters continued to be discussed and any outstanding issues were to be taken to Ngāruawahia where the next meetings was to be held.

5.125 For completeness, these agreements were bested five years later by the Government Proclamation of 9 July 1863 when residents of the villages of Ihumātao, Puketāpapa, Pūkaki and Papaahinu were forcibly ejected (*Press* 1 Feb 1865 p.3): “...On Saturday, the 11th, it was sent around the different settlement. There was no time for the oath of allegiance to be taken. On Sunday, old and young, the widow and orphan, were driven from their peaceful homes, and had to fly to the woods. They were followed by armed men and troops. Their houses and settlements were soon pillaged of everything. Their neat little church at Ihumata [sic] within a few days, had its sashes, door-bells, communion-table, &c., stolen, and even the floor was torn up for the sake of the timber. Soon their beautiful settlement became wrecked, everything movable was taken...”³² The Ihumata [Ihumātao] church referenced above, is thought to be the Puketāpapa ‘chapel’, the location of which is shown on SO 236 and SO 237, adjacent to the subject property. In addition to sacking buildings and structures, the local Militia and Volunteers confiscated 18 canoes along the Manukau Harbour, from Ōruarangi and Ihumātao to Pūkaki and they were placed in to the Onehunga Basin so as to limit transport (*Daily Southern Cross* 27 Jul 1863 p.2).

5.126 Similar sentiments were recounted two years later in a report that reviewed these events, placing them in a chronological sequence (*Press* 1 Feb 1865 p.3): “... you will see that the Government proclamation was printed and dated 9th July. On Saturday, the 11th, it was sent around the different settlements. There was not time for the oath of allegiance to be taken. On Sunday, old and young, the widow and orphan, were driven from their peaceful homes, and had to fly to the woods. There they were followed by armed men and troops. Their houses and settlements were soon pillaged of everything. Their neat little church at Ihumata [Ihumatao], within a few days, had its sashes, door-bells, communion-table, &c., stolen, and even the floor

was torn up for the sake of the timber. Soon their valuable settlement became a wreck, everything moveable being taken. Can we wonder at some few Maori taking revenge. Among those they shot were some who robbed them." All this took place before the 12th of July when the troops crossed the Mangatawhiri River being the first official act of reprisal and declaration of war by the Government.

5.127 Wiliam Thompson expressed a similar opinion, writing a letter in the Canterbury *Press* that was then picked up and published by the *Daily Southern Cross* (15 Jul 1865 p.6) with his correspondence in both Maori and English: "*Harken now, do not listen to the assertion which has been conveyed to you, namely, if the soldiers had not crossed Te Ia (Maungatawhiri [Mangatāwhiri] stream) that we should have taken their ('the colonists') lands, and their children. We should not have taken their lands because they purchased them fairly. But the Governor drove off from their own lands, without cause, the Maoris who resided at Pukaki, at Ihumatao, at Mangere, at Kirikiri, at Patumahoe, at Tuakau, and at Pokeno.*^{FN} *The Governor also captured without cause Ihaka, the owner of his tribe, and the children, and sent his soldiers to roam about among the Maori villages i.e. sent them on errands of destruction before the commencement of hostilities.*" [FN above is an article footnote reference to additional information on the expulsions of Manukau Māori from their settlements: "See pamphlet published by the Hon Mr Sewell, Attorney-General, and an excellent work published by the late Civil Commissioner of Waikato, J. E. Gorst, Esq, M. A."]

5.128 Following the Proclamation, and the sacking of the villages by both settlers and troops, there was a general call in newspapers for these 'vacated' Māori settlements to be made available for settlers to graze their cattle because they were fertile, already securely fenced and well watered (*Daily Southern Cross* 24 Jul 1863 p.4 and the *New Zealander* 11 Feb 1864 p.5). A letter to the Editor of the *Daily Southern Cross* (24 Jul 1863) stated: "*I think the Government have an opportunity, without any cost to the country, to greatly alleviate the difficulties of the settlers who are abandoning their farms, by allowing them to have the Native Settlements of Mangarei [Māngere], Puhako [Pūkaki], Ihumatao, Paphuno [Papaahinu], and Poketapopo [Puketāpapa] (all in the Manguei [Māngare] district), as depositories for their cattle. Those settlements are securely fenced, and would, I have no doubt, graze at least 500 cattle.*" The letter continues advising those interested to make an application to Government.

5.129 This grazing was to become an issue 1863-64 and the business was given the title ‘The Ihumatao Job’ or the ‘Ihumatao Licensing Affair’ because of a perceived Government interference in the leasing arrangements and settlers having their stock later ejected.³³

5.130 ‘A Settler’ is reported as stating the following (*New Zealander* 13 Feb 1864 p.4): “*It is said that it was Mr Vercoe who assisted to warn the natives to leave Ihumata [sic], on Sunday, the, 11th July. The Ihumatao natives, notwithstanding their alleged disloyalty, were good neighbours, and very much respected by the settlers round; nearly all their houses and fences have been destroyed, their church gutted, the bell, sashes, door, and communion-table stolen, and the floor even torn up and taken away: and, now, their land is to be occupied by Mr. Russell’s brother-in-law! The history of this war will be a dark page in the history of New Zealand.*” [Thomas Russell served as Minister of Colonial Defence in the Government of William Fox.]

5.131 The Compensation Court hearings that addressed claims by ‘loyal’ Māori to the confiscated settlements followed three years later. Of particular interest in this process are the reported statements of the land valuators to the Court as they provide some of the best contemporary descriptions of the land, including the area of the subject property (with my bold emphasis): “*Edwin Davy deposed: I am a land valuator. I have been over the Ihumatao block of land. I have not surveyed it, so I can’t say the area. I believe it about 910 acres. This land is much the same quality throughout, but there is a quantity of scoria upon it, about 270 acres of land covered with scoria rock. The scoria land is fit for cultivation: it could be cleared. The quantity of the rest of the land is nearly the same, but some of it is more valuable from position. The most valuable part of that near a small creek to the north-east. I value the 640 acres, leaving out the scoria, taking it at May, 1865, the date of the proclamation, at £12 an acre, making £7,680. The scoria, 271 acres, I value at £6 an acre, £1,620; in all, £9,300. The land about the creek would be worth £2 or £3 an acre more than the extreme south of the block. That difference in price would extend to about 150 acres. The scoria is along the sea frontage. The mountains are not included in the scoria. (Witness marked on a map where the scoria and the mountains were.) I consider the mountains valuable land. I think the north and south are about the same for water approaches. The creek is an advantage. It is nearly dry at low water. There is a running stream of fresh water.*

5.132 Of particular note here is the importance given to the scoria rock and volcanic cones, the proximity of more valued lots close to the sea and creek frontage (for transport), and the available fresh running water; all the same economic values that had previously been recognised and appreciated by the Māori occupants and gardeners.

5.133 The same report continued covering the statements to the Court by Mr Mackay: “*... I have valued the property as if it were held by a European under Crown Grant. I am a licenced surveyor under the Native Lands Act. From my experience, the expense of surveying such a block as Ihumatao, in accordance with the regulations of the Native Land Court, would be £50. If there were no Crown Grant for the land, I should value the land just at the same rate. I should not purchase without a Crown Grant. The creek is navigable for boats, and I think for cargo boats. I value the land at the southern end of the block at about £10 to £11, and that of the north £14 to £15. Only a very small quantity adjoining the creek would be worth the latter sum. At the southern end there is water frontage; but I value it about the same rate as that at the centre of the block. I think the greater portion of the land has been under cultivation. It would cost about £6 an acre to clear the scoria land, and put it in the same position as the rest.*” Once again, creek access for use by cargo boats is highlighted, as a justification for higher land values, and it is recognised that most of the block had previously been under cultivation. (See reference to historic photographs below.)

5.134 Debate continued in the newspapers about the rights and wrongs of the land confiscations and the respective positions of the Provincial Council and General Assembly in using this process to generate income to pay off the war loans. George Graham was one who spoke of the Treaty of Waitangi and the rights of Māori (*Daily Southern Cross* 11 Dec 1866 p.5): “*I call attention to the provincial claims over all confiscated lands, I gave an opinion that legally the General Assembly and the Governor had no power or right to confiscate any native's land. The natives are truly British subjects, and if any British subject commits an offence there are courts of justice, and Judges, before whom the offender should be brought, and there receive sentence. I know that in America and in India large tracts of country have been seized, but the Indians stood in a different position from the Maoris. England was bound by a solemn treaty with the natives, and prior to our crossing the Maungatawhiri [Mangatāwhiri] on the 12th July, 1863, the natives had committed no serious crime. They had murdered no Europeans, nor destroyed either settlers'*

houses or property; and several days passed after our ejecting the natives from Ihumata [Ihumatāo], Pukaki, and other places, ere they killed any one European."

5.135 The Compensation Court process led the confiscated blocks being surveyed with some allotments issued to 'loyal' Maori', and the remaining Crown Grants were then notified for sale at auction and purchased (see Attachment 2, for LINZ SO 236 survey plan, and see discussion above).

5.136 Local Ihumātao newspaper reports for the last half of the 19th century focus on the more mundane issues of farming, roading using scoria excavated from the Ihumātao Quarry Reserves during so-called volunteer 'working bees', deaths (some being local suicides and drownings), churches, marriages, flood damage and water use. The modification of the 'Ihumatao Lagoon', being the source of the stream running through the subject property, is of particular interest (*New Zealand Herald* 6 Apr 1896 p.4): "*At a meeting of the Mangere Road Board held on the 30th ultimo [last month] the chairman, Mr. Westney, report that he had made arrangements to have a substantial approach made to the Ihumatao Lagoon for the convenience of watering stock.*" These earthwork modifications to the northern end of the lagoon can be observed today; the low explosion crater bank was removed and the spoil used to create a gentler slope from which cattle could assess the water.

5.137 Of particular note for the turn of the century, are a series of photographs sourced from the Mangere Historical Society that illustrate places and events that are connected to the subject property and adjacent lands. One is taken in front of a meeting house at 'Oruarangi Pa' today known as Puketāpapa Papakāinga (Auckland Council Libraries Manukau Research Library MGE: 1, 2, no. 3 Footprints 01064): "*Group portrait of a gathering of Maori men, women and children in front of the meeting-house at what was then known as the 'Oruarangi Pa', Ascot, near Mangere, ca 1905. The location would be better known as the Makaurau Marae, Ihumatao, today. The man standing to the far left is Jack Wilson, the woman standing to the far right is Mrs Marita Wilson.*" Another is taken on the banks of the Ōruarangi Creek, showing the same group from the meeting house, watching the arrival of the scow 'Elsie' (Auckland Council Libraries Manukau Research Library MGE: 1, 2, no. 43 Footprints 01085). (URLs above accessed 6 Mar 2018).

5.138 Another series of photographs focus on the building and opening (3 Jun 1905) of the Ōruarangi Creek bridge by the Māngere Road Board, illustrating

the stonework approach and abutments that were built using scoria rock taken from Lot 174, that was at this time owned by Gavin Wallace, having inherited it from his older brother James.³⁴

5.139 Reference to Attachment 19 will be helpful in the following discussion.

5.140 Of particular interest is a ‘black-and-white’ sepia photograph of the scow ‘Elsie’ moored in the Ōruarangi Creek, looking southwest across Puketāpapa Pā towards the volcanic cones Ōtuataua and Pukeiti on the skyline, showing the Wallace farmstead buildings in the background (Auckland Libraries South Auckland Research Centre Footprints [digital image] 05684, sourced from the Māngere Historical Society).

5.141 This is considered to be an important historical document because it is the earliest visual record of the subject property albeit located off in the distance. It was taken by G. W. Wyman c.1905 and it clearly shows the scow ‘Elsie’ in the Ōruarangi Creek, with crewmen on the deck working a sand pile, and men lying or standing about in the rigging, possibly having been purposefully posed for the photograph. The view is from the north side of the Creek bank, on what was then called the ‘Ascot property’, overlooking Puketāpapa Papakāinga with its European-style houses and surrounding gardens. In the background are the subject property farm buildings (Ōruarangi SHA) and the Ōtuataua and Puketāpapa (Pukeiti) volcanic cones.

5.142 Here it is worth noting that the Puketāpapa Papakāinga layout of this time was first formally surveyed 24 November 1915 (refer to LINZ SO 18701). This plan shows the location of the houses and huts that had been photographed a decade earlier (discussed above). But more importantly, it identifies the individual fenced potato and kumara garden plots located in amongst areas of ploughed paddock, oats, gorse and grass. The same plan also records ditches and banks, and drystone wall structures primarily located along some property and road boundaries; other drystone walls were known to be present from 1899 photographs taken by John Hugh Boscawen.³⁵

5.143 To briefly summarise, historic records show that Māori field systems across the subject property existed and they were directly associated with Puketāpapa Papakāinga and not the Ihumātao Mission as has sometimes been inferred. Māori lived here, particularly from the 1830s when they returned from the Waikato, to take advantage of the rich volcanic tuff ash soils (as opposed to scoria stonefields) for gardening, following a European-fashion with crops introduced by the Missionaries, where there was easy boat

access to transport goods and people, and large quantities of fresh water for drinking. Records also show that European settlers and troops wrecked and looted this settlement, sacked the chapel and then grazed their cattle here because of the existing fences and freshwater (in Ihumātao Lagoon that then flowed down through the subject property, and came out as springs along the banks of the Ōruarangi Creek). The whole block was then confiscated and surveyed, with Crown Grants being issued, loans made and borrowed, and most the Ihumātao block on-sold to settlers who further developed and farmed these lands using introduced farming practices. Some Māori returned to Puketāpapa Papakāinga and the land was formally set aside as a reservation in the 1920s.

6. ORAL RECORDS

Tangata Whenua (as recorded by Graeme Murdoch)

- 6.1 Graeme Murdoch (7 May 2009) has previously provided evidence before the Environment Court on the MCC Proposed Plan Changes 14 and the ARC Policy Statement Proposed Private Plan Change 13. This evidence is considered important because it relates directly to the records and oral history of Puketāpapa Papakāinga, and it provides a detailed examination of the cultural landscape and Māori ancestral relations with the wider area.
- 6.2 Murdoch reaches the following conclusions in respect of the subject area:
 - (a) Māngere – Puhinui is one of the few remaining extensive, largely undeveloped areas, that fully reflect Manukau’s remarkable Māori and Post-European heritage and is considered to be a heritage landscape of regional significance (p.8).
 - (b) The traditions and history of Ngāti Te Ahiwaru, Te Ākitai and Te Kawerau ā Maki, who reside at Puketāpapa Papakāinga, are direct descendants of the Tainui waka or canoe (dating from the 14th century), and earlier Tangata Whenua (Tūrehu and Toi Kairākau) with origins being associated with the deities (Mataaoho) responsible for volcanic activity (p.11).
 - (c) Ongoing quarrying of volcanic cones has had a negative adverse affect on tribal taonga compromising the ancient spiritual, cultural and ancestral unity and linkages (p.12).
 - (d) Particular coastal environs associated with spiritual guardians, collectively referred to as ‘Te Kahui Tipua’, have been destroyed or modified by past Manukau Harbour works (p.13).

- (e) Puketutu Island and Ōruarangi Creek are directly connected to the Tainui waka being places of anchorage and ancestral associations (Ōruarangi takings its name from Ruarangi a son of the original explorer Toi Te Huatahi) (p.14).
- (f) Leading tohunga or spiritual leaders on the Tainui waka stayed in the area, including Rakataura (also known as Hape and Riukiuta) and Poutūkeka, and those living in Puketāpapa Papakāinga today are direct descendants (p.14).
- (g) Rakataura is directly associated with Puketāpapa (also called Pukeiti) volcanic cone and a local tradition known as ‘Te Puketāpapatanga ā Hape’ and it is from this local tradition that the wider Ihumātao area takes it name (p.15).
- (h) Descendants of the Tainui waka became known as Ngāoho [(also called Ngāohomairangi), the descendants of Rakataura occupied the Tāmaki Isthmus and became known as Ngai Riukiuta, and the descendants of Poutūkeka became known as Ngāti Poutūkeka (p.15).
- (i) The ancestral dwelling place of Whatutūroto, the seventh generation leader of Ngati Poutūkeka, is currently in the process of being destroyed by the second runway development of the Auckland International Airport (p.15).
- (j) Huakaiwaka descended from Whatutūroto and he exerted influence over the wider Māngere and Tāmaki area, and upon his death Ngāti Poutūkeka adopted the name Waiohua, with time leading to further tribal subdivisions including Te Ākitai, Ngāti Paretauā, Te Aua, Ngāti Huatau, Ngāti Tahuhu and Ngāti Te Ata (p.16).
- (k) Ngāti Whātua from Kaipara invaded the region, fought a number of battles with Waiohua with the last being on Mangere Mountain, and following displacement intermarried with local residents adopting the old name Ngaoho (p.16).
- (l) Local communities suffered from the introduction of epidemic diseases and muskets through the Ngāpuhi incursions into Tāmaki from 1821, retiring to Waikato, and a decade later re-secured the Tāmaki-Manukau area under Pōtatau Te Wherowhero, when peace was sealed through the marriage of his younger brother Kati to a Ngāpuhi chieftainess Mātire Toha, thereby introducing Ngāti Mahanga and Ngāti Apakura to the region (p.17).

- (m) Missionary activity began in 1836 and it was during this period that Pepene Te Tihi led the Te Ākitai settlement at Papaahinu (south of Pūkaki Creek), Mohi Te Ahi ā Te Ngū led the Te Aua settlement at Pūkaki (north of Pūkaki Creek), and Te Wherowhero had settlements at Āwhitu, Māngere and Onehunga with Ngāti Mahanga and Ngāti Apakura (p.17).
- (n) Traditional lands became alienated following the musket wars through payments of cash, chattels, guns and livestock, including (pp.18-19):
 - (i) a large South Auckland block through ‘Fairburn’s Purchase’ (22 January 1836);
 - (ii) Crown purchases through Pepene Te Tihi, from Pūkaki south to Papakura, encompassing 30,000 acres (28 January 1842);
 - (iii) with the Crown pre-emption over purchases of Māori land being waived in 1844, the sale through Pepene Te Tihi, of the Kohuora block near Papatoetoe to William Lewis, encompassing 1900 acres (10 Apr 1846);
 - (iv) the Māngere-Ōruarangi block through Wiremu Reweti Te Whenua (of Ngāti Whātua) to Peter Imlay (which was soon on-sold to Alexander Geddes) encompassing 5000 acres (11 Sep 1846);
 - (v) a large tract of land west of Pūkaki called ‘Whakarongotukituki’ through Mohi Te Ahi ā Te Ngū (of Te Aua hapū of Waiohua) to Thomas Jackson (which was then on-sold to Alexander Geddes, and possible James Moncur) encompassing most of the Auckland International Airport lands (11 Sep 1846).
- (o) All these private purchases were subsequently investigated by the Crown ‘Old Land Claims Commission’ of 1848 with the result that Lewis and Geddes grants were significantly reduced, but the Crown retained the surplus lands for sale to settlers with research indicating that Māori interests in the district were relinquished to the Crown finally on 27 June 1851 by Te Waiōhua rangatira [chiefs] in return for payment of £100, one cart and one plough (p.19).
- (p) Pōtatau Te Wherowhero intervened in inter-tribal squabbles between the Ngāti Rori hapū of Ngāti Tamaoho and Ngāti Te Ata over Āwhitu Peninsula land, and with the support of Mohi Te Ahi ā Te Ngu arranged for Ngāti Rori to settle at Ihumātao (Maungataketake) in January 1846 (p.20).
- (q) Under the leadership of Te Rangiatāhua Ngāmuka (also known as Epiha Pūtini or Jabez Bunting), Ngāti Rori moved across the Manukau Harbour and became known as Ngāti Te Ahiwaru, building a ring-ditch

pā known as Te Tiki (NZAA site R11/846) on the coast south of what was Maungataketake (Ihumātao) volcanic cone pā (NZAA site R11/31) [recorded by John Henry Lowe on the first survey SO 236 of the Ihumātao confiscation block, discussed above], and the Ihumātao Mission Station and village [NZAA sites R11/545 and R11/547] on the coast to the northwest of Maungataketake Cone Pā.

- 6.3 Murdoch continues (pp.20-28) with a description of the increasing European influence over the communities and their practices (Māngere for example), the proclamation, expulsion of Māori from their Manukau settlements, confiscation, Compensation Court hearings and the subsequent issuing of Crown Grants for sale to settlers. He also records the return of Ngāti Te Ahiwaru to the Ōruarangi Creek and their settlement on Papa Te Roke (the location of Ihumātao Papakāinga urupā, and the final survey of the 16ha reserve for the ‘Ahiwaru landless’ in 1888, the first formal survey of the papakāinga in 1916 and issuing of the certificate of title in 1921 (p.29).
- 6.4 Regarding the subject property (refer to Murdoch 7 May 2009 p.25 and Fig 7 p.44), it is important to point out that the whole area coincides with traditionally named settlements and gardens (Pukeruke). Oral history and traditions record that the whole of the Ihumātao confiscation block was extensively gardened producing large quantities of potatoes, kumāra, maize and melons. (See Archaeology discussion below for an analysis of the historic evidence for the gardens.)

OSHR Previous Landowners (as recorded by Kim Tatton)

- 6.5 For the interpretation of the subject property drystone walls the revised Assessment (Bickler *et al* Aug 2017 p.21) draws heavily on the *OSHR Oral History Interviews With Prior European Landowners* (ARC Technical Publication TP297) by Kim Tatton (Oct 2005).
- 6.6 This was a project I promoted within the ARC, providing the brief of scope and aims, and oversight as Team Leader Cultural Heritage. The work was completed in accordance with the MCC (31 Oct 2002) OSHR Management plan objectives and policies and was an ARC contribution as an Accord Partner to the ongoing development and management of the Reserve.
- 6.7 The interviews were completed by Kim Tatton and were conducted in accordance with the National Oral History Association of NZ ‘Code of Ethics and Technical Practice’. Importantly, the project was predicated on Fyfe and

Mason's (1997) revised definition of oral history (bold my emphasis): "*The purpose of oral history is to create a spoken record where none exists or to supplement existing records for future researchers. It is primarily a record of perceptions of the person interviewed whatever the person's position, occupation or circumstance. Oral history is a record of language and of eyewitness accounts giving insights into society, its changing values and attitudes. In many instances, oral history gives a voice to those previously denied the chance to contribute to the recording of history.*"

Project Outputs

6.8 The Project outputs were:

- (a) Interviews and oral history record of the prior OSHR landowner families (the Wallace, Rennie, Mendelssohn and Ellett families).
- (b) Transcriptions of the taped interviews.
- (c) A hardcopy report based on the interviews and transcriptions highlighting the events and activities related to localities structures and features and trees and plant on the OSHR by Kim Tatton (Oct 2005) who undertook the work (refer to ARC Technical Publication No TP297).
- (d) An interactive HTML formatted CD of oral history interviews, including a PDF of the hardcopy report, with full interview MP# audio files, transcripts, maps, bibliography and appendices.

6.9 The interviews were based on a series of themes and questions to ensure that there was consistency across the interviews with members of each of the four previous OSHR landowner families. Interviews were conducted with [Harold] Stewart Rennie and Gordon Rennie, Gordon and Alison Rennie, Ailsa Blackwell (nee Wallace, being the great-grand-daughter of Gavin Struthers Wallace the original Crown Grantee of the subject property), David Credin (Mendelssohn) and Doug Hitchcock, and Trevor Ellett.

6.10 Post interview, the individual tapes were professionally transcribed and drafts were returned to the interviewees, so as to make any corrections and provide additional information, and an information release form was signed.

6.11 The project paper and tape records were made available through the Māngere Historical Society, the Auckland War Memorial Museum Library, the Auckland Central Library and the Auckland Regional Council (now Auckland

Council). All families received copies of the report with the interactive CD enclosed with both transcripts and MP3 audio files.

Themes and Questions

6.12 A broad range of themes and questions were related to people, land occupation, the community and local marae, structures buildings and features, historic plantings, farming and land practices, livestock and their management, weeds and pests, utilities, urbanisation, security and surveillance, and family specific questions related to particular known and recorded structures (see Tatton Oct 2005 Appendix 2). For this appeal statement, themes and questions related only to stonework, drystone walls and stone clearance activities are focused upon.

Stonework and Drystone walls

6.13 Questions about stonework and drystone walls broadly included the following:

- (a) Who constructed the stone walls and when was this done?
- (b) How were the stone walls constructed (to ascertain knowledge of building techniques)?
- (c) Where were they constructed (boundary and internal walls)?
- (d) What changes occurred over time (removal through ARA coastal projects or clearance during farming)?

Interview with Ailsa Blackwell (nee Wallace)

6.14 In the following discussion, quoted page numbers are taken from the PDF hardcopy ARC Technical Publication TP297 for accuracy.

6.15 When asked what the land was like when her grandfather brought the Crown Grant in 1867, Ailsa said it was a bit of scrubby tea-tree with no large trees at all (Tatton Oct 2005 p.15).

6.16 When asked about the stony ground, she said there was nothing on the farm block fronting either side of Ihumātao Quarry Road (being the 80 acres comprising Lots 175 and 176), that is the subject property (Tatton Oct 2005 pp.15-16). In comparison, she said that the 50 acres that was purchased by the MCC for the OSHR (being Pt. Lot 174), was covered with stones many of which were used to build the Ōruarangi Bridge. (The Register and Deeds historic records for Lot 174 are discussed in detail above.)

6.17 Ailsa continued, stating that a lot of clearing was done because all the walls on the 80 acres (Lots 175 and 175) came from off the 50 acres (Lot 174)

(Tatton Oct 2005 p.16). When asked if the walls were already established, Ailsa replied that they all had to be built at 10 shillings a chain in 1867: “*...and the interior ones I think were built by my grandfather and then my father, but they would have to establish the boundary lines with a good wall and the contractors charged 10 shillings a chain if the rocks were brought by the farmer to the site. Today it's \$5,000.00 a chain...*” She produced photographs showing her father with a gang of workmen (Tatton Oct 2005 p.16).

- 6.18 Here it is important to note that the photographs that were presented during the interview to illustrate wall building by contractors, from the book by Valie Davies (1994 p.31), titled *The Way We Were – Pictorial Memories of Early New Zealand, Auckland South and East*, are in fact two images of the building of the Ōruarangi Creek Bridge.
- 6.19 Later in the interview, after having described how her grandfather drained boggy parts of the farm, and when the interviewer returned to the drystone wall construction by contractors, Ailsa restated that the major or important walls were built by contractors and then the farmer would do what he could with the interior (Tatton Oct 2005 pp.21-22).
- 6.20 When asked about stone clearing Ailsa said that a low sled was used to cart the surface rock, or they would otherwise use a dray, to carry the material for the wall builders (Tatton Oct 2005 p.27).
- 6.21 Other stone structures built by the family included low amenity tree wall ring borders and a small orchard wall surround on the 50 acres (Lot 174) to protect the fruit trees from browsing stock (Tatton Oct 2005 pp.28 and 32).³⁶
- 6.22 At the time of the purchase of the OSHR blocks, there was another very significant stone structure on Part of Lot 174, being a small house (farm building) with a unique collapsed timber roof (see Tatton Oct 2005 ARC Computer No 14201). There was however no oral history associated with the building of this structure or its subsequent use.
- 6.23 This interview with Ailsa Blackwell raises three important questions: (i) Who owned Lot 174 from which the subject property scoria stones are reported to have been sourced? (ii) When were the important boundary drystone walls constructed by contractors? and (iii) How do all the subject property boundary walls compare (i.e. size, form, construction, width and height) with all other important boundary walls.

- 6.24 Following from the oral record, and using the revised Assessment (Bickler *et al* May 2017 p.23, Fig. 34 p.52 and pp.54-72), the simply answers would be: Gavin Wallace reputedly owned Lot 174 and sourced the loose scoria for building the internal subject property walls (Lots 175 and 176); the date of contractors building the boundary walls is not stated; and no comparative information is given for drystone wall variations (e.g. a comparison between Lot 175 internal wall J with boundary walls A and H, and a comparison between Lot 176 internal walls E and F with boundary walls B, C and D). It is however stated (Bickler *et al* May 2017 p.59) that there is considerable consistent variation in style between the walls, with the subject property boundary walls tending to be more ‘professional’ or of better construction. This general observation is not surprising given that stock security was based on the ongoing maintenance of the farm boundary walls and fences.
- 6.25 A review of the Crown Grant Deed and Register Index for Lot 174 (above) has shown that the land first belonged to William Buchanan in 1867, and it was then transferred to James Wallace a year later, who past it on to Gavin Wallace upon his death in 1890. Between 1874 and 1884 the lot was leased to a next-door neighbour John Sommerville, who was charged through the lease agreement to build and maintain the boundary walls, between the Lot and the properties of both James and Gavin; the same agreement continued access rights for James and his two brothers, but they were liable for compensation to the Lessor if any damage occurred to crops. In 1905 a small part of the northeast corner of the lot was gifted and dedicated by Gavin to the Public to provide safe access to the newly built Ōruarangi Bridge that was built from rock taken off Lot 174.
- 6.26 It is possible that Ailsa Blackwell’s memory regarding the stonewall building on the subject property is confused; she was not told by her father that he had built the walls, and she had only assumed that they had been constructed by him or his father (her grandfather). Alisa did not know that Lot 174 was first owned by her great-uncle and that her family ownership only came about through inheritance of the land in 1890. And she was not aware of the newspaper advertisements from 1880 when her grandfather did advertise for a contractor to build walls. Two things we are certain of, is that John Sommerville built Lot 174 boundary walls through having a lease over the property between 1874 and 1884, and all landowners with drystone walls kept up maintaining them because their livelihoods depended on it (i.e.

retaining their stock and excluding other stock grazing the ‘long acre’ in the road reserves).

- 6.27 Regardless of the antiquity of the drystone walls across the subject property, it is important to remember that these structures cover over and have protected the ground surface directly beneath them and along both sides (i.e. where the ground surface has not been ploughed). Consequently, there is reasonable cause to suspect that archaeological evidence will be located here for the Māori gardens and field systems that were formally surveyed by the crew of *HMS Pandora* in 1853.

Interview with other OSHR Previous Landowners (Rennie, Mendelssohn and Ellet families)

- 6.28 Stewart Rennie stated that he didn’t know who built the drystone walls on his property (Tatton Oct 2005 p.65). However, he did say that his father (Thomas Morton Rennie) had told him that they were built for half a crown a chain and tobacco, and he noted that his father had built a few of the walls especially around the cow shed. He also stated that his father was an excellent stonewall builder, like Huey (Hugh) Wallace, and it was a long process (Tatton Oct 2005 p.65). Stuart also noted that many of the stone walls and surface stone on the old Sommerville and Morris blocks (located on the OSHR and originally part of the Rennie farm) were cleared and used in construction of the Māngere Aerodrome and Sewage ponds (Tatton Oct 2005 pp.70-71). Interestingly, Stuart also said that it was difficult to keep sheep in stone walled paddocks (Tatton Oct 2005 p.76).
- 6.29 David Credin (with David Hitchcock, for the Mendelssohn family), stated that the family repaired some of the stonewall fences, as part of the general farm management practices, but they did not know who built them. He emphasised that the walls required regular maintenance because they continually fall over and collapsed (Tatton Oct 2005 p.109).
- 6.30 The interview with Trevor Ellett was not recorded, at his request, but the interviewee took summary notes. Trevor did not know who built the drystone walls on the property that subdivided the OSHR into five paddocks, where one wall remains incomplete. The family never cleared stone, sold stone or quarried rock from off the block that from part of the Stonefields Reserve land (Tatton Oct 2005 p.125).

Summary

- 6.31 Of the four OSHR prior European landowners interviewed in the oral history project, only Ailsa Blackwell (for the Wallace family) was able to answer questions related to stone wall construction and stone clearance activities. Those interviewed for the other three-landowner families did not know who built the walls or when they were built. As might be expected, given the drystone nature of wall construction and the continual collapse of the structures due to weather and stock activities, it was recognised that the walls were continually repaired and maintained. Steward Rennie did say that his father and Hugh Wallace were good ‘stonewall builders’, with Morton Rennie having built the drystone walls around the family home and dairy shed at 619 Ōruarangi Road.
- 6.32 To summarise, primary historic records from the United Kingdom Hydrographic Office provide proof that the 1853 surveyed Māori field systems, that are shown to be located across the subject property, were real on-the-ground structures and features, and not ‘indicative’ as claimed in the revised Assessment. In addition, the context of the first formal survey of the Ihumātao block that was completed for the Native Land Court following the 1866 Māori land confiscations and Compensation Court hearings (together with the related surveys of the Pūkaki and Papaahīnu blocks that were also completed by John Henry Low, 17 July and 2 August 1866 respectively), are reviewed, showing that the legal directions from the Chief Judge to only include natural features were met (‘absence of evidence is not evidence of absence’). And finally, the relatively recent oral record in respect of European drystone walling activities across the subject property, provided by a member of the Wallace family, is shown to be subjective without context in primary historic records (‘perception is not truth’, or ‘saying so doesn’t make it so’). This primary information undermines the professional integrity of the revised Assessment that is simply not robust.

7. ARCHAEOLOGY REVIEW

1853 Onehunga Channels Cartography Analysis

- 7.1 Reference to Attachment 20 showing the Māngere, Puketutu Island and Ihumātao-Moerangi [Ōtuataua] parts of the 1853 Onehunga Channels survey plan will be helpful in the following discussion. [See Attachment 11 for a copy of the complete plan, and the Historic Records discussion for an analysis of

the survey, and compare these with Attachment 13 being the 1860 published version of the Manukau Harbour Chart.]

- 7.2 Having recently gained access through the UKHO Archives to the *HMS Pandora* plan of the Onehunga Channels 1853 survey of the Manukau Harbour (L9372), it is now possible to replicate the earlier analysis of the cartographic symbols used to identify Māori settlements and field systems (see Attachment 14). The scale of the plan (6-miles-to-the-inch) with improved accuracy and shading detail enables more comprehensive statements to be made about the layout of the settlements and the likely crops grown in the fields. Historic records assist with this analysis.

Puketutu Island

- 7.3 The field systems across the northern side of Puketutu Island, on the flats in between the hills (as indicated by hachures) and the rocky coast, are shown as five adjoining three-sided rectangular shapes (interpreted as paddocks or fields). The borders are straight heavy lines, running along the waterfront, and north-south up into the hills, but with open ends west-east along the hills (interpreted as fences, but more likely drystone walls given the underlying geology). The interiors are completely shaded or hatched with thin straight parallel lines running from boundary to boundary vertically, diagonally (NW-SE and NE-SW) and horizontally (interpreted as fallow ground or crops). And in the centre of the second-to-last field at the eastern end there is a small rectangle (interpreted as a building).
- 7.4 Historically, we know that Henry Weekes and his wife were the first Europeans to occupy Puketutu Island in 1846 with their shepherd (refer to Goldsmith and Bassett 2008 pp.28-38 and also see Lawlor 4 Dec 2009 pp.31-36). On arrival he first constructed with native assistance a “Tieupha” fence [or taiapa] of bound posts-and-battens to create a garden space and exclude wild goats and pigs, his stock horse, sheep, cattle, turkeys, poultry and wild dogs from Ihumātao village across the water. The fence was later broken down by the stock and the timber used as firewood. We also know that he left the island to live at Onehunga and it was at this time and location that he used scoria rocks to build walls and fence his property. Given this history we can reasonably assume that the surveyed field systems in 1853 were not part of this occupation.
- 7.5 Weekes sold the Island in 1849 to John Chadwick, who then on-sold it in 1852 to James Farmer an employee of Brown, [John Logan] Campbell and

Company (Goldsmith and Bassett 2008 pp.37-39). And it would appear, based on this chronology, that the field systems surveyed in 1853 related to James Farmer's activities and were focused on the flat tuff ash parts of the coastal fringe where the soil was more friable and easily cultivated. There is no history of the crops that were grown here at this time, but we can speculate that these rock-free fields were used to grow grass and make hay to supplement stock feed.

Māngere Village

- 7.6 The 'Village of Mangari [Māngere] Native Settlement', being the settlement of the 'Nga Timahanga [Ngāti Mahanga] Tribe', was surveyed as 16 houses on the flats above the rocky shoreline. The houses were set apart from one another with 10 aligned north-south and only one within a bordered field. Between the Village and Māngere Mountain there are 28 to 30 trapezoid- and triangular-shaped fields, some with open ends around the edges of the settlement, with borders shown as hatched straight lines running roughly north-south and east-west. The fields are shaded with four different patterns of hatchings: (i) the same thin straight parallel lines that were shown of Puketutu Island, but here mainly at the sides, ends and corners of fields (interpreted as fallow ground); (ii) coarse or open parallel lines, some of which are dashed, in vertical and diagonal NW-SE and NE-SW hatchings; (iii) coarse pair-sets of open vertical parallel lines, at the west and east ends of the settlement; and (iv) coarse dashed diagonal lines interspersed with fine graduated diagonal hatched lines, at the very eastern edge of the settlement near the road.
- 7.7 Historically, we know that Māngere was at this time a 'Native Fencible' settlement having been established by Governor Grey through an agreement with Pōtatau Te Wherowhero 16 April 1849 (see Murdoch 7 May 2009 p.21-22). About 75-armed Ngāti Mahuta and Ngāti Apakura men and their families were each given six acres after seven years service. This would mean about 4.5 people living in each of the surveyed houses with the spacing simply reflecting the allotted sections.
- 7.8 We also know from John Jolliffee's journal (1853 p.202-205, and refer to Lawlor 15 Aug 2017 pp. 202-205 for a transcription) that he visited Mangere Village on Monday 14 March 1853, during *HMS Pandora's* surveying activities on the Manukau Harbour. At this time he attended a tangi [funeral] where kumara and Indian corn or maize were part of the feasting activities,

with the loaves of bread for the occasion having been purchased in Auckland. We can therefore be reasonably confident that some of the fields about the settlement were used for growing kumara, potatoes and maize at this time.

- 7.9 Just what the field adjacent to the road was used for is uncertain, but the unique hatching here possibly indicates a ditch-and-mound, or Irish ‘lazy-bed’ type of arrangement, that was dug to improve soil drainage; the summer of 1853 was wet, so much so, that fruit and water-melon crops proved poor and tasteless (see Jolliffe 1853 p.200).

Ōruarangi – Waitomokia and Ōtuataua (Puketāpapa Papakāinga)

- 7.10 The surveyed hamlet settlement of five houses at the mouth of the Ōruarangi Creek (Puketāpapa Papakāinga), and the inland field systems southeast of the Waitamakia [Waitomokia] cone and NE-running side-creek, and the field systems east of the Moerangi [Ōtuataua] cone, are arranged in a similar pattern to those at the Māngere Village. The three primary hatchings are present, with their diagonal and horizontal variations, and the fields are broadly rectangular with borders of thin dashed lines (like those at Māngere) and straight lines. Once again, fine shading of thin straight parallel lines are shown at the sides, ends and corners of fields (and these are interpreted as fallow ground).
- 7.11 There is however one additional hatching that is recorded in a field located between the Moerangi [Ōtuataua] and Ihumātao cones. This shading comprises coarse diagonal lines paired with hatched diagonal lines. And there is only one other field like this, and this is located in the middle of the field system surveyed between the Harbour shore and Moerangi [Ōtuataua] north of the Ihumātao Mission (see discussion below).
- 7.12 In both the field systems that border the Ōruarangi Creek, there are long continuous field boundary alignments that run from the creek edge: a single SW-NE alignment in the case of Waitomokia, and four north-south alignments in the case of Moerangi [Ōtuataua]. These are most likely paths that connected the fields together enabling easy access from the village and creek-edge. All field systems are located off the scoria areas as indicated by hachures, with two exceptions, one being in the upper reaches of the Waitomokia side-creek, and the other on the south bank of the Ōruarangi Creek at the junction with the side-creek. The fields are primarily focused on the easily cultivated friable tuff ash soils.

- 7.13 Historically we know from newspaper reports (see Historic Record discussion above) that large meetings and feasts occurred at Puketāpapa Papakāinga on the banks of the Ōruarangi Creek during the five-year period after the *HMS Pandora* survey of 1853. At this time potatoes and shark were the main food items consumed, along with an ox, a pig, with the sharks most likely having been harvested from Huia on the north side of the Harbour entrance, directly opposite Pōtatau Te Wherowhero's Āwhitu Village; additional European food items had been purchased at considerable cost for Pākehā visitors, including 3600 loaves of bread, cheese, biscuits and tea. It is reasonable to assume that both kumāra or sweet potato (*Ipomoea batatas*) and introduced potatoes [*Solanum tuberosum*] were grown and harvested from the Ōruarangi field systems, with Indian corn or maize, oats and wheat also being grown, which was threshed and milled locally given the large quantities of bread consumed (see Murdoch 7 May 2009 p.20).
- 7.14 Again, historically we know that the Ōruarangi field systems were fenced because they were reported to have been damaged and destroyed by armed troops and settlers who looted the settlement and desecrated the chapel stealing the contents and floor-boards within three days of the Governor issuing the Proclamation 9 July 1863 (i.e. prior to the 'declaration' of war against the Waikato tribes through Government troops crossing Te Ia or the Mangatāwhiri River). However, within weeks of the forced ejection of the Villagers from Puketāpapa Papakāinga, the settlers brought their cattle down here from Māngere through Crown licences to take advantage of the fresh water and fenced ground, only to be later turfed off when the Government took control of the Ihumatao confiscation block installing their own grazier.

Ōtuataua and the Ihumātao Mission Station

- 7.15 The surveyed field systems on the coast west of the Moerangi [Ōtuataua] and Ihumātao volcanic cones comprise a central block of nine rectangular-shaped fields that are not only open along the coast but also open to the interior volcanic scoria land in the north, east and south. Given the hachures indicating topography, these fields are shown to be located on a slightly raised volcanic platform but with some open areas of ground. The three primary hatchings are present across the fields, once again (like those at Māngere and Ōruarangi) with the diagonal and horizontal variations, and borders are both thin dashed lines and straight lines. Shading of thin straight parallel lines is shown at the NW and SW corners of the central block (here

again interpreted as fallow ground). There is also one additional field in the centre of the main block, with shading of coarse diagonal lines paired with hatched diagonal lines, and this is unique with one other field located between the Moerangi [Ōtuataua] and Ihumātao cones (as discussed above).

- 7.16 These field systems are located directly north of the Wesleyan Ihumātao Mission and Pā shown on the survey plan as a three-sided rectangle, with six buildings in the interior, with three Mission buildings located off the southeast corner. From an 1855 painting of the Mission (refer to Lawlor 4 Dec 2009 pp.36-42 for a discussion, and see Fig. 8 p.39 for a copy) we know that the pā was palisaded and some ‘fences’ were made of wood post-and-battens or scoria drystone walls (refer to Tonson 1966 p.43).
- 7.17 Historically, we know from newspaper reports of feasts that occurred at Ihumātao Village or Pā in the five years following the 1853 survey. At this time, large quantities of potatoes (1800 baskets), sharks (5000) and bread (6000 loaves), together with quantities of tobacco, biscuits and sugar were consumed.
- 7.18 In addition, from 23 July 1863 correspondence between Aihepene Kaihau and Bishop Selwyn, directly after the Proclamation and declaration of war (refer to Lawlor 4 Dec 2009 pp.41-42), being a decade after the *HMS Pandora* survey of the Manukau Harbour, we have an inventory of goods and assets of the Ihumātao settlement. These included: (i) 3 cows, 6 horses and a herd of 200 pigs (not including piglets), all of which would have needed tethering or retention behind secure fences; (ii) a plough and cart, for cultivating and carrying (presumably using the horses); (iii) a canoe named ‘Taiaroa’ that could carry up to 12 tons; (iv) eight corn fields and planted potato fields with six potato pits and two rua kumara; and (v) two stacks of split timber, six buildings and one fishing net. Given this particular historic record, together with the surveyed field systems, we can be reasonably confident that the **main crops** being grown at Ihumātao were maize, potatoes and kūmara.
- 7.19 To better understand what other **incidental crops** were being grown in the Manukau settlements (and Waikato) between 1852 and 1857 (besides the three main staples), we need to turn to the *AJHR* from 1 January 1865 (E.-No 12. 20)³⁷ which provides a list of the numbers of canoes arriving at Onehunga (and Auckland), with numbers of crew members (males and females) and ‘species of produce’. Although the measures are in numbers of kits [kete] or

baskets, numbers of stock and birds, bundles of straw, bushels and bags of wheat, dozens of eggs, tons for fish and Kauri gum, and cwt or hundredweight (about 112lb or 45kg) of flour, the numbers give the best statistics available. The following were traded: onions, cabbages, pumpkins, melons, peaches, grapes, gooseberries, apples and quinces, flax, grass, wood, wheat, maize, bran, pigs, goats, ducks, fowls, geese, turkeys, shellfish and crayfish.³⁸

- 7.20 To summarise, using the 1853 Onehunga Channels survey plan showing the different field systems, together with the historic records, we can state with a degree of confidence that the main crops being grown in the Manukau settlements were kumara, potatoes, Indian corn or maize and wheat. Because of the mixture of stock and cropping together, and historic records of the despoliation of the settlements in 1863 together with the underlying geology, we can also be reasonably confident that the fences around the field systems were made of both wood and scoria rock (compare Lawlor 4 Dec 2009 pp.60-62).

ARC GIS overlay 1853 survey plan (Ian Lawlor with Dr Hans-Dieter Bader)

- 7.21 Reference to Attachment 21 showing the 1853 survey plan with a contemporary cadastral (property boundary) overlay will be helpful in the following discussion.
- 7.22 To provide more scientific rigour an independent ArcGIS analysis was completed with Dr Hans-Dieter Bader (pers. comm. 15 Feb 2018) of the 1853 *HMS Pandora* survey plan (UKHO Archives L9372) and the 28 May 1866 survey plan by John Henry Lowe of the Ihumātao confiscation block (LINZ SO 236). Points used for the 1853 survey plan overlay were taken from modern data including the Mangere trig station, survey points on the Mangere coastline, and boundary corners close to two Onehunga churches.
- 7.23 Some of the 1853 survey points were trig stations on volcanic cones that have since been destroyed through quarrying, and as a consequence, the 1866 SO 236 map together with a georectified mosaic aerial photo from 1938 (completed March 2013 by Aerial Mapping NZ) of Te Motu a Hiaroa-Puketutu Island prior to quarrying, were used to locate the highest points on Puketutu Island and both the Ihumātao and Moerangi [Ōtuataua] volcanic cones. The accuracy of these inferred points has been calculated to be within 10 metres of their original location.

- 7.24 The overlaid results (Attachment 21) generally show a reasonable fit between the modern and historic coastlines, considering the wholesale modification that occurred with the construction (1959-60) and deconstruction (2005) and the Māngere Sewage Wastewater Treatment ponds across the harbour-gap between the mainland and Puketutu Island. [Refer to Lawlor (4 Dec 2009 pp.56-60) for a review of these Auckland Regional Authority development activities.]
- 7.25 There is however, a notable exception around the southern part of the Waitamakia [Waitomokia] and Ōruarangi Creek (see orange squares for the subject property), and a more detailed analysis of the 1853 survey has shown that this is the result limited direct lines of sight from survey stations and insufficient high trig points from which to close triangulations (see Historic Record discussion above).
- 7.26 Given the GIS analysis completed to date, putting the observed incorrect surveyed position of the Ōruarangi Creek to one side, and using the 1853 hachures that define topography (i.e. areas of volcanic cone and lava rock, as opposed to the stone-free tuff ash areas), we can conclude that there is a general accord between the layout and orientation of the Maori field systems with the contemporary cadastral boundaries and road alignments that were first established in the 1866 survey.
- 7.27 We can also conclude that the revised archaeological Assessment statement (see Bickler *et al* May 2017 p.30) that the 1853 field boundaries do not align with present-day field boundaries is in fact incorrect. The suggestion that it is unclear as to whether the field boundaries were accurately surveyed in 1853, or are ‘indicative field boundaries’, is also rejected, as is the statement that there is no indication of ‘settlement’ within the project area. Regarding the last point, oral history and traditions record the location of a named settlement called Pukeruke (Graeme Murdoch 7 May 2009 p.53), and this coincides directly with a recorded midden (NZAA site R11/2997) within the subject property.

ArcGIS overlay 1866 survey plan – Ian Lawlor with Dr Hans-Dieter Bader

- 7.28 For completeness, an ArcGIS overlay was made of the 1866 survey plan (LINZ SO 237) using points from modern data including 14 boundary marks taken from the junctions of cadastral boundaries (sourced from LINZ).

7.29 Accuracy of each of the historic marks on the ArcGIS has been estimated to be within 2m (i.e. within the accuracy of the historic map scale). However, the overlay also shows discrepancies of up to 10m between the boundary lines on the historic map and existing modern cadastral lines. From the overlay, it is possible to conclude that the buildings, and other features like the streams and swamps, were not surveyed but drawn in by eye, and it was this process that led to the larger observed discrepancies.

Revised Analysis of Ōruarangi SHA areas and walls

- 7.30 Reference to Attachment 22 and Attachment 23 will be helpful in the following discussion. These are a plan and table of subject property areas to be protected and destroyed, with the location and estimated lengths of historic drystone walls to be investigated, destroyed and rebuilt.
- 7.31 The revised Assessment (Bickler *et al* May 2017 p.57) states that over 2.5km of drystone walls are located across the subject property. However, using either the revised Assessment (refer to p.58 and compare with Fig.77 on p.101), or the Management Plan (refer to pp.5-6 for Figures 3 and 4), the following can be calculated using a GIS overlay of the drystone walls: 2008m (77 %) of walls will be destroyed by development and 611m (23 %) will be retained in buffer reserve adjacent to the OSHR. To mitigate the loss of most of the drystone walls 760m are to be rebuilt in the ‘fashion’ of historic drystone walls to commemorate those destroyed.
- 7.32 Note that the June 2017 plan showing stone walls in the revised Assessment (Fig.77 p.101) and the Management Plan Figure 4 (p.6) includes two OSHR entrance gate walls (14.24m) and a 51.5m-length of OSHR wall that borders Ihumātao Quarry Road that were constructed by the MCC Parks Department to appear like the historic drystone walls. These are not located on the subject property and cannot be considered to be part of the subject property reserve contribution. In addition, this same Figure 4 erroneously includes a diagonal length of ‘wall’ (shaded green) in the reserve buffer contribution area to the north of proposed works; this is a stock exclusion stone alignment beneath a post-and-wire fence. A ring-border protection wall located around a large macrocarpa tree on the southern boundary of the subject property has also not been included in the analysis.

8. CONCLUSION

- 8.1 It is my opinion that Heritage New Zealand Pouhere Taonga [HNZPT] has made a mistake in granting Authority 2018/64 for the near total destruction of a unique regionally significant heritage landscape located across the subject property.
- 8.2 It is my opinion that the decision was based on a weak revised Assessment containing flawed assumptions and evaluations (i.e. it was not robust), and a process which was defective (i.e. it did not follow legal requirements), for the following reasons:
- (e) Parts of a British Admiralty survey chart are reinterpreted in the revised Assessment as being indicative and primary hydrographic and cartographic records are ignored (Byron Drury's Manukau Harbour Chart published in 1860 and related 1853 survey plans of the Onehunga Channels and Papakura River).
 - (f) Primary historic records are generally absent and are without serious interrogation (manuscripts, deeds and newspaper reports).
 - (g) Personal perceptions in the archaeological Assessment are presented as facts without reference to primary historic records (Ailsa Blackwell's oral account for the Wallace family).
 - (h) Relevant landscape and contextual discussion is missing (hydrology and geomorphology).
 - (i) The completed archaeological survey and analysis is incomplete and significance evaluations are highly subjective (historic field systems are relegated to being indicative rather than substantive, stone walls are evaluated as being of moderate local significance rather than high regional, and geophysical survey of reported European 'evidence' is given more weight than formally surveyed Māori field systems).
 - (j) The archaeological Assessment, Plan and Strategy,³⁹ together with the Authority Application,⁴⁰ the internal HNZPT application assessment,⁴¹ HNZPT Māori Heritage Council [MHC] review,⁴² and granted Authority 2018/64,⁴³ have all failed to recognise and provide for all landowner interests directly affected by the investigation and destruction archaeological structures and features that are located across the boundaries of the subject property (e.g. R11/3000 drystone walls). The adjacent property landowners include: (i) Puketāpapa Papakāinga (through the owners of 511 or 525 Ōruarangi Road,

- adjacent to Lot 175) [here it is difficult to judge which property the archaeological excavations will directly affect]; (ii) Auckland Council (Auckland Transit and Heritage) for the Ōruarangi Road Reserve; (iii) Auckland Council (Properties and Heritage) for the old Rennie Homestead block at 619 Ōruarangi Road (Lot 177); and (iv) Auckland Council (Parks and Heritage) for the Ōtuataua Stonefields Historic Reserve [OSHR].
- (k) Simply put, the completed archaeological Assessment, Plan and Strategy are not robust (i.e. they are not fully researched, documented and recorded), to the point of being unable to be relied upon, and as a result HNZPT have failed in their statutory duty to protect archaeological sites, which cover the entire subject property.
- (l) Consultation was not full and complete (i.e. there is no proof of consent from all landowners affected by the proposed investigation activities), and the interests of all persons affected by the decision to grant Authority 2018/64 have not been considered (see Heritage New Zealand Pouhere Taonga Act 2014 [HNZPTA14]: s.4 (b)(iv); s.14(2); ss.46(2)(b), (c) and (h); and s.59 (1)(a)(iv)).
- (m) In addition, the HNZPT authority decision has been made without any direction from broader archaeological area studies or strategies prepared to guide authority work (i.e. decisions are not informed or effective).⁴⁴
- (n) Importantly, the cumulative effects of development and the destruction of archaeological and historic heritage in South Auckland has not been recognised and provided for in either the archaeological work completed for the subject property or the HNZPT authority decision-making process.
- 8.3 In my opinion, the revised archaeological Assessment is poor, and the work completed to date is incomplete and untested, and has confused the real value and significance of the archaeological evidence located across the subject property. Use of secondary sources without providing context within primary or comparative sources, is considered to be academically naive. Most importantly, the legal requirements to obtain all landowner consents that are not part of the area designated Ōruarangi SHA (i.e. Lots 175 and 176) have not been recognised and provided for within the completed Assessment, Plan and Strategy.

- 8.4 It is not known if Auckland Council has granted consent for the destruction of those parts of site R11/3000 (i.e. the boundary drystone walls) that are located within the Ihumātao Quarry Road Reserve that separate the subject property (refer to HNZPT Authority 2018/64 landowner consent requirement).
- 8.5 Overall, it is my opinion that the archaeological evidence across the subject property, both the recorded evidence and evidence that is expected to be present (based on the British Admiralty *HMS Pandora* 1853 survey of the Manukau Harbour), is regionally significant, if not nationally significant given the destruction of most similar heritage landscapes in South Auckland and New Zealand. The subject property contains some of the last vestiges of well preserved, relatively intact, and important unique Māori and European historic heritage in the region and the landscape is part of the longest continually occupied Māori papakāinga in the Auckland region with significant links to the Tainui waka and Kingitanga (see Murdoch 7 May 2009).
- 8.6 The modification and destruction of the subject property would give rise to significant adverse effects on historic heritage and archaeological values and the proposed development for the requirements of Section 6(f) of the Resource Management Act 1991 (RMA91) being the protection of historic heritage from inappropriate subdivision, use, and development.
- 8.7 As I stated in my Review of the archaeological Assessment (Lawlor 19 Oct 2009): “*The walls together with the other recorded structures and features (including the hawthorn and boxthorn hedgerow remnants, and puriri fence posts), are both unique and rare recorded examples in the Auckland region, and possibly New Zealand, given the Māori origins and single European ownership and use from 1867 to the present-day.*”

Ian Lawlor

9 March 2018

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10. LIST OF ATTACHMENTS

- Attachment 1 Copy of the map from Part 1 of Schedule 9AB Ōruarangi Road, Māngere SHA, sourced from the *Housing Accords and Special Housing Areas (Auckland) Order 2013* (SR 2013/446).
[See file Attachment 01 - Schedule 9AB (Oruarangi Road Mangere SHA).PDF]
- Attachment 2 John Henry Lowe's 28 May 1866 survey of the Ihumātao Confiscation Block (LINZ SO 236).
[Attachment 02 - LINZ North Auckland SO 236 (Ihumatao 28 May 1866).PDF]
- Attachment 3 John Henry Lowe's 28 May 1866 survey of the Ihumātao Confiscation Block (LINZ SO 237).
[Attachment 03 - LINZ North Auckland SO 237 (Ihumatao 28 May 1866).PDF]
- Attachment 4a Fletcher Residential Limited [Steve Evans] (6 Jun 2017). HNZPT General Authority Application for Ōruarangi SHA 545-561 Ōruarangi Road Māngere, Auckland, New Zealand.
[Attachment 04a - 2017_06_06 - Fletchers (Authority application June 2017_.PDF]
- Attachment 4b Heritage New Zealand Pouhere Taonga (18 Sep 2017). Form for the Assessment of [HNZPTA14] Section 44 Applications. General Authority Application Number 2018/64.
[Attachment 04b - 2017_09_27 - HNZPT AA Assessment (18936708-1_Signed archaeological assessment).PDF]
- Attachment 4c Heritage New Zealand Pouhere Taonga Maori Heritage Council (27 Sep 2017). Maori Heritage Council Agenda for Meeting 27th of September 2017 [Paper No. MHC 2017/09/01].
[Attachment 04c - 2017_09_27 - MHC for HNZPT re OS Archaeological Authority (18716866-1_Paper for MHC).PDF]
- Attachment 4d - Heritage New Zealand Pouhere Taonga Maori Heritage Council (27 Sep 2017). Extracts from the Minutes of the Special Meeting of the Maori Heritage Council held on Wednesday, the 27th of September 2017.
[Attachment 04d - 2017_09_27 - MHC for HNZPT re Extracts from Minutes (18935819-1_Ihumatao_MHC_27Sept2017).PDF]
- Attachment 4e HNZPT Approval Letter and Authority 2018/64.
[Attachment 04e - HNZPT Approval letter & Authority 2018-64.PDF]
- Attachment 5 Curriculum vitae Ian Thomas Lawlor.
[Attachment 04 - HNZPT Approval letter & Authority 2018-64.PDF]
- Attachment 6 Lawlor, I. T. (19 Oct 2016). Review of Ōruarangi SHA Archaeology. Report prepared for Karen Wilson (for Te Ākitai-Waiohua). Sustainable Heritage Consultants (SHC) Limited, Auckland, New Zealand.
[Attachment 06 - 2016_10_19 - IT Lawlor (Review of Oruarangi SHA Archaeology)rfs.PDF]
- Attachment 7 Auckland Historical Societies - Ōruarangi SHA heritage significance. [Statements from Avondale-Waterview, Epsom & Eden, Howick & East Auckland, Mount Roskill Puketāpapa and Onehunga.]
[Attachment 07 - Auckland Historical Societies SHA heritage significance.PDF]

- Attachment 8 Google Earth GIS overlay of Ōruarangi SHA, showing proposed development and archaeological excavations where adjacent landowner consent is required.
 [Attachment 08 - GE GIS of Landowners for Consent.PDF]
- Attachment 9a Great Britain Ordnance Survey six-inch Characteristic Sheet 1843-1882 published 1897.
 Attachment 09 - 1847_00_00 - British Ordnance Survey Characteristics.PDF]
- Attachment 9b Explanation of Symbols and Abbreviations Used on Charts Issued by the Hydrographic Department of the Admiralty, published 30 Jul 1954. Note 'Cultivated fields' under C Topography.
 [Attachment 09b - British Admiralty Hydrographic Symbols & Abbreviations.PDF]
- Attachment 10 Parts of *HMS Pandora* Survey Charts of the Houhora (UKHO Archives L8950) and Parengarenga Harbours (UKHO Archives L8951) from January 1852, showing Māori settlements, tracks and cultivated ground.
 [Attachment 10 - 1852 HMS Pandora Surveys Houhora and Parengarenga Harbours.PDF]
- Attachment 11 United Kingdom Hydrographic Office (12 Jan 1854). Sheet 4 [L9372] New Zealand North Island Manukau Harbour Onehunga Channels H.M.S^g.V^l. "Pandora" 1853. UKHO Archives L9372, Taunton, Somerset, United Kingdom.
 [Attachment 11 - UKHO Archives L9372 (NZ Nth Is Manukau Harbour Onehunga Channels_ST)rfs60LABELLED.PDF]
- Attachment 12 Part of the HMS Pandora 1853 Manukau Harbour Onehunga Channels survey plan [UKHO Archives L9372], showing Ihumātao and Moerangi [Ōtuataua] survey triangulations (red lines) based on trigs (triangles) and coastal traverse stations (circles).
 [Attachment 12 - Part of UKHO ARCHIVES L9372 showing 1853 Ihumatao survey.PDF]
- Attachment 13 United Kingdom Hydrographic Office (1 Mar 1860, corrections Dec 1872). New Zealand North Island – West Coast Manukau Harbour 1853. Surveyed by Commander B. Drury; Messrs H. Kerr, and P. Oke, Second Masters; A. Farmer and C. Stanley, Masters Assistants; and W. Blackney [Blakeney], R. N. UKHO Archives OCB 2726 A2, Taunton, Somerset, United Kingdom.
 [Attachment 13 - 1860_03_01 - HMS Pandora Manukau Harbour Chart(UKHO OCB 2726 A2 New Zealand North Island West Coast Manukau Harbour B.Drury 1879_SR)rfs.PDF]
- Attachment 14 Parts of the British Admiralty Chart No 2726 of the Manukau Harbour, surveyed by Commander Byron Drury in the HMS Pandora with Messrs Hooper Kerr and Phillip Oke (Second Masters), Andrew Farmer and George Stanley (Masters Assistants), and William Blakeney (Royal Navy), between 5 Feb and 3 May 1853, and published by the British Admiralty Hydrographic Office 1 Mar 1860.
 [Attachment 14 - 1853_00_00 - Manukau Harbour Chart (Characteristics Analysis)rfs.PDF]
- Attachment 15 Circa 1840 drawing of Āwhitu Mission Station and Parts of SO 24 (Feb 1864) and SO 6499 (Apr 1892) showing Āwhitu Native Settlement.

- [Attachment 15 - 1840-1892 SO 24 and SO 6499 Awhitu Settlement.PDF]
- Attachment 16 John Henry Lowe's 17 July 1866 survey of the Pukaki Confiscation Block (LINZ SO 235).
- [Attachment 16 - LINZ North Auckland SO 235 (Pukaki - 17 Jul 1866).PDF]
- Attachment 17 John Henry Lowe's 2 August 1866 survey of the Papaahinu Confiscation Block (LINZ SO 238).
- [Attachment 17 - LINZ North Auckland SO 238 (Papaahinu 02 Aug 1866).PDF]
- Attachment 18 Archives New Zealand Auckland Office: 'Crown Grant Record Book 5G [Lands & Deeds]' (R22764321) for Lot 174 (Folio 527) and Lot 175 and 176 (Folio 558); and 'Deeds Register Book' for Lot 174 (pages 281), and Lots 175 and 176 (p. 355), Parish of Manurewa, Auckland.
- [Attachment 18 - Archives New Zealand (Grants & Deeds Lots 174 175 & 176).PDF]
- Attachment 19 The earliest known photograph taken by G. W. Wyman c.1905 (sourced from the Māngere Historical Society), of the scow 'Elsie' in the Ōruarangi Creek (note men on the deck working a sand pile and men in the rigging), overlooking Puketāpapa Papakāinga (with its houses and gardens), and the subject property farm buildings (Ōruarangi SHA) and the Otuataua and Puketāpapa (Pukeiti) volcanic cones in the background. (Source: Auckland Libraries South Auckland Research Centre, Footprints 05684.)
- [Attachment 19 - 1905 photograph of Pukatapapa & the subject propertyrfs.PDF]
- Attachment 20 Parts of the British Admiralty Sheet 4 L9372 Manukau Harbour Onehunga Channels, surveyed by the crew from HMS Pandora under Commander Byron Drury between 5 Feb and 3 May 1853.
- [Attachment 20 - 1853_00_00 -Onehunga Channels Cartography Analysis.PDF]
- Attachment 21 Part of the HMS Pandora 1853 Manukau Harbour Onehunga Channels survey plan [UKHO L9372], showing the Ihumātao and Moerangi [Ōtuataua] survey objects (red lines) and the subject property (orange squares), with present-day cadastral base (blue lines). [Compare with Attachment 12 and note the Ōruarangi Creek alignment.]
- [Attachment 21 - Part of L9372 showing 1853 Ihumatao survey geocorrected.PDF]
- Attachment 22 Google Earth GIS overlay showing Ōruarangi SHA (Lot 175 and 176, Parish of Manurewa Auckland): proposed reserve areas (green shading), development areas (brown); and walls to be reserved (green alignments), destroyed (yellow) and rebuilt (red).
- [Attachment 22 - Oruarangi SHA (Areas and Walls) - plan].PDF]
- Attachment 23 Table of Ōruarangi SHA (Lot 175 and 176, Parish of Manurewa, Auckland) showing: SHA AREAS (HA) - proposed reserve areas (green shading), development areas (brown); and SHA WALLS - to be reserved (green alignments), destroyed (yellow) and rebuilt (red).
- [Attachment 23 - Oruarangi SHA (Areas and Walls - calculations).PDF]
- Attachment 24 Part of a John Kinder 1863 photograph panorama entitled: 'Mount Eden bei Auckland von der Domain aus gegen Sud. Rev. J. Kinder photograph. 1863. Mounted panoramic photograph in

three sections with caption by Hochstetter, 16.4 x 56,1 cm,
1863.'

[Attachment 24 - Photo fences 1863_00_00 - John Kinder (Mount Eden bei Auckland von
der Domain aus gegen Sud (part of Panoramic) copy.PDF]

11. ENDNOTES

¹ Subject property address variations are from (chronologically): Housing Accords and Special Housing Areas (Auckland) Order 2013 (reprinted 31 Jul 2014); Auckland Council Resource Management Act 1991 s.32 Assessment (25 Jun 2015); Harrison-Grierson (Jun 2015); Soil and Rock Limited (5 and 29 May 2015); Bickler *et al* (May 2017); Clough and Macready (June 2017 and Jun 2017); Heritage New Zealand Pouhere Taonga [HNZPT] (18 Sep 2017); HNZPT Māori Heritage Council (27 Sep 2017 and 27 Sep); and HNZPT (27 Sep 2017).

² Both LINZ SO 236 and SO 237 are signed by John Henry Lowe and dated 28 May 1863, but a pencil notation and red 'X' marks across Lowe's survey lot 6 (Allotment 168) on SO 237 indicates that this was rejected because of surveying errors and SO 236 was accepted by the Court.

³ For more information about John Henry Lowe (1841-1906) refer to: 'The Late John Henry Lowe' in *The New Zealand Railways Magazine*, Vo. 3, Issue 2 p.8 (1 Jun 1928); and C. A. Lawn (1977) 'The Pioneer Land Surveyors of New Zealand' New Institute of Surveyors (copy in Auckland Libraries Sir George Grey Special Collections).

⁴ For public newspaper notices of the 17 Jul 1866 auction sale of Lowe's survey Ihumātao Lots 13 and 14 [Parish Allotments 175 and 176], see *Daily Southern Cross* 16 Jun 1866 p.2 and *New Zealand Herald* 16 Jun 1866 p.2, and 14 Jul p.2, 16 Jul p.2 and 28 Jul p.3 1866. For the Crown Grant Deed for Lots 175 and 176, refer to National Archives Auckland, Crown Grant Record Book [Lands & Deeds] (R21598872) for Deed 37496 p.558, dated 28 Dec 1867. It is interesting to note that Gavin Wallace is on public record stating that any cattle found trespassing on his land at Ihumātao after 15 Sep 1866 will be impounded (*New Zealand Herald* 17 Sep 1866 p.1).

⁵ For related policies, refer to HNZPT (29 Oct 2015 p.12) *Statement of General Policy Statutory Advocacy Objective 1 Policy 1.1*, and also HNZPT (29 Oct 2015 pp.6 and 9) *Statement of General Policy Archaeological Provisions Objective 1 Policy 1.10*, and Objective 3 Policies 3.1, 3.3 and 3.4. For specific references within the subject property Assessment, Plan and Strategy, for the proposed investigation and destruction of drystone walls located across Road and OSHR Reserve boundaries, refer to: (i) Bickler *et al* (May 2017 pp.52, 58, and 60 [Fig. 42], [Walls C, D, G and H]); (ii) Clough and Macready (Aug 2017 p.4-7 Figs. 2 to 5, and p.8); and (iii) Clough and Macready (Jun 2017 p.9 and Fig. 4 p.10).

⁶ Fletchers Residential Limited (6 Jun 2017).

⁷ HNZPT (18 Sep 2017).

⁸ HNZPT Māori Heritage Council (27 Sep 2017).

⁹ HNZPT (27 Sep 2017).

¹⁰ Refer to HNZPT Annual Report (2017) p.26) 'Conservation Output 4: Administer the Archaeological Authority Process' (p.26), and 'Objective 9: The Archaeological Authority Process...' particularly policy 9.2 (p.16).

¹¹ NZLR means 'New Zealand Law Reports' and NZAR means New Zealand Administrative Reports.'

¹² Although the public reserves (for Graveyards or Cemeteries, Landings, Quarries and Water) on the Ihumātao block were surveyed in 1866 (see LINZ SO 236), it was not until 1893 that they were formally recognised (see TNZG 1893 Mar 16 p.345 and 22 Jun p.931.)

¹³ For more related British Admiralty hydrographic survey information, refer to Ritchie (Jan 1991) for a history of hydrography and discussions of survey practices, instruments and techniques, and Webb (Jun 2010 pp.162-165, p.236 and Appendix 12 p.417) for a review of experimentation, development and technology, as well as a discussion and list of the 150 instruments used, and a review of processes of chart tracing, compilation, reproduction and publication. Also refer to Clawson (1979) for an analysis of symbols used on nautical charts prior to 1800, and Mumford (1999) for an analysis of milestones in lithographed cartography from 1800.

¹⁴ UKHO records (pers. comm. Ian Killick Archives Research Manager, UKHO, Taunton, 21 Feb 2018) for the Manukau pre-1930 survey graphic index and textual index (pp.342-343) show that, of the 22 plans produced by Commander Byron Drury and the crew of *HMS Pandora* during Feb-May 1853, the majority were at a 6 inches to the mile scale. Those produced with the Whau and Tāmaki Portages were larger (36.5 inches to the mile) given their significance as the possible location of locks to link the Waitemata Harbour and Manukau Harbour together.

¹⁵ For a transcription of Dr. John Jolliffe's journal for the period *HMS Pandora* was surveying on the Manukau, see Lawlor, I. T. (15 Aug 2017). HMS Pandora Survey of the Manukau Harbour (5 Feb to 3 May 1853): Mitchell Library John Jolliffe Papers Vo. 2, New Zealand Journals (B1030 pp. 192-238). A page-by-page transcription (with linking notes and PowerPoint) with edits to facilitate a reading presented to the Māngere Historical Society, Auckland. Sustainable Heritage Consultants (SHC) Limited, Auckland, New Zealand. [For a transcript copy, refer to URL: https://www.academia.edu/34313464/2017_08_15_Ian_Lawlor_Revised_Transcript_of_Jolliffe_B1030_pp_192-238 - Manukau_Harbour_.pdf, for talk linking notes refer to URL: https://www.academia.edu/34313501/2017_08_15_Ian_Lawlor_MHS_Presentation_Linking_Notes_.pdf, accessed 19 Feb 2018, and for a PDF of the PowerPoint presentation refer to URL: https://www.academia.edu/34313371/2017_08_15_Ian_Lawlor_MHS_Presentation_1853_HMS_Pandora_Survey_of_the_Manukau_Harbour_rf_s.pdf, accessed 19 Feb 2018].

¹⁶ Refer to Louise Furey (2002) *Houhora: A Fourteenth Century Māori Village in Northland*. This work included a painting providing a reconstruction of the landscape based upon the historic and archaeological records (refer to URL http://www.aucklandmuseum.com/collections-research/collections/record/am_library-paintinganddrawings-1203?sbj=Watercolour%20painting%2C%20New%20Zealand%20-%2020th%20century&ordinal=14, accessed 15 Feb 2018).

¹⁷ Refer to the book by Brian Byrne (Oct 2007) *The Pandora Survey* for the broader historical context of this part of 'The Great New Zealand Survey' being the work completed by HMS Acheron (18448-1851) and HMS Pandora (1851-1856).

¹⁸ Refer to Lawlor (4 Dec 2009 pp.36-38) for a discussion of these surveying activities, and see the title on Attachment 13 (UKHO Archives OCB 2627 A2), the composite chart of all the Manukau Harbour survey sheets, for a list of surveyors who completed the survey work with Commander Byron Drury).

¹⁹ For a transcription of the relevant parts of John Jolliffe's journal that 'spoke' of these practices, refer to Lawlor (21 Mar 2017), and also refer to UKHO Archives Surveyors Letters SL 62 (14 Apr 1853) from Byron Drury (Commander & Surveyor), to the Hydrographic Office London.

²⁰ Brian Byrne (Oct 2007 p.78) states: "Curiously, notwithstanding the surname being spelt Blakeney in the baptismal register, it was thereafter spelt Blackney until November 1868, when it reverted to the original spelling." On the UKHO Archive UKHO OCB 2726 A2 Manukau Harbour Chart 1 March 1860 it is spelt (see Attachment 13 for example).

²¹ Refer to Lawlor (4 Dec 2009) pp.36-38 for a review of the survey, and pp.38-42, for a review of the Ihumātao Mission including a historic painting covering this trig point.

²² For an example of how Christian practices had been borrowed, in the form of dress, refer to John Jolliffe's description of a tangi that he attended in the village on Monday 4 March 1853 (Jolliffe, J. 5 Feb to 3 May 1853); kumara, [called potatoes] and Indian corn were being consumed as part of the funeral feasting activities.

²³ Refer to Lawlor (24 Mar 2006) and Lawlor (1 Jun 2006) for more information concerning Puketutu Island archaeology and Dr Henry Weekes occupation in 1846.

²⁴ The name Papaahinu is a historical error and Te Ākitai-Waiohua with the Crown have sought to have this remedied through the 'Agreement in Principal to Settle Historic Claims' with a proposed new name Papahīnau (16 Dec 2016 p.14).

²⁵ Brian Marshall, in his (2005 p.30) *NZ Map Society Journal* (No. 18) article ‘From Sextants to Satellites: A Cartographic Time Line for New Zealand’, for the year 1866 states: Andrew Sinclair, who becomes Chief Surveyor to the Native Department, drafts regulations governing the survey of “Native Land.” This is the first indication that surveying regulations were being formulated.

²⁶ Chief Epiha Putini (Te Rangitahua Ngamuka) was chief of Ngati Tamaoho and baptised Epiha Putini or Jabez Bunting after the London Missionary Secretary.

²⁷ Here afsign probably means assign or ‘to whom property is transferred’.

²⁸ The international repository references for these maps and plans are as follows: UKHO Archives OCB 2726 A2 1 Mar 1860 Manukau Harbour Chart (see Attachment 13), and for New Zealand copies refer to Alexander Turnbull Library Ref No MapColl-NZGB-5/26/337/Acc.55023, or Sir George Grey Special Collections, Auckland Libraries, NZMap 890, being ‘the Great Britain Hydrographic Office Admiralty chart of New Zealand 2726 Manukau Harbour’; 1859 Hochstetter Auckland geology map (Sir George Grey Special Collections, Auckland Libraries, NZ Map 5694b); and the 1866 John Henry Lowe surveys of the Manukau confiscated Māori settlement blocks LINZ Plans - SO 235 Pūkaki 17 Jul 1866 (see Attachment 16), SO 236 Ihumātao 28 May 1866 [correct as of 11 Jun 1866] (see Attachment 2), SO 237 Ihumātao 28 May 1866 (see Attachment 3), and SO 238 Papaahinu 2 Aug 1866 [correct as at 16 Sep 1866] (see Attachment 17).

²⁹ Refer to Foster and Sewell (Aug 1995) Papahinu. The Archaeology of an Early 19th Century Māori Settlement on the Bank of the Pūkaki Creek, Manukau City. *Auckland Conservancy Historic Resource Series No. 12*. Department of Conservation, Auckland, New Zealand.

³⁰ The debate between Government officials and William Wetere over his land claims at Māngere and Ōruarangi are comprehensively reported in Tutton (1883) being ‘Public Documents in Connection with Old Land Claims. For examples related to lands adjacent to the subject property, refer to: No. 14 (p.281) – ‘The Native Interpreter Johnson to the Surveyor-General – Manukau – As to Weteri’s claim to Mangere’ 23 Jul 1852; No. 15 (p.281-282) – ‘Mr. Interpreter Johnson to the Surveyor-General – Manukau – Wetere’s claim to Mangere’ 28 Jul 1852; No. 16 “Mr. Interpreter Johnson to the Surveyor-General – Manukau – Native claims at Mangere” 9 Aug 1852; and No. 22 (pp.285-286) ‘Memorandum by Mr. Commissioner Kemp (acting for the Chief Commissioner) – Manukau – Respecting Claims of īhaka to Ōruarangi’ 1 Nov 1854; No. 25 (p.287). ‘The Chief Commissioner to the Hon. the Colonial Secretary - Manukau – Claims of Weter on Major Greenwood’s Property arranged for.’ (12 Jun 1855).

³¹ The meeting, being located so close to Auckland and with so many Government Officials, missionaries and notable chiefs of the day present, gained national notoriety. For example, refer to *Nelson Examiner and the New Zealand Chronicle* 8 (May 1858 p.3) ‘Maori Meeting at Ihumatao’. The meeting was also reported in later newspaper articles that examined the Maori King Movement; for example, see *Lyttleton Times* (22 Aug 1860 p.4), and also see *Hokioi o Nui-Tireni E Rere atuna* (15 Jun 1862) for Maori text and (27 Dec 1862) for an English translation of the ‘Gazette of King Potatau’.

³² For newspaper reports of the proclamation refer to: *New Zealander* (10 Jul 1863 p.3); *New Zealander* (11 Jul 1863 p.3) in English and Māori; *Colonist* (17 Jul 1863 p.3); and *Wellington Independent* (18 Jul 1863 p.3). For a retrospective account of the expulsion of Maori from the Ihumātao and Pūkaki villages refer to *Press* newspaper article titled ‘The Aborigines Protection Society’ (1 Feb 1865 p.3).

³³ For newspaper reports of the Ihumātao grazing and the ‘Ihumatao Job’ refer to: *New Zealander* 26 and 29 Dec 1863 p.1; *New Zealander* Feb 1864 - 9 (p.4), 11 (p.5), 13 (p.5), 18 (p.5), 23 (p.5), 25 (p.6), 27 (p.2); *New Zealander* Mar 1864 – 2 (p.2), 12 (p.1), 22 (p.5); *New Zealander* Apr 1864 – 9 (p.5), 23 (p.5), 29 (p.3); and *New Zealander* May 1864 – 4 (p.5), 10 (p.3) and 31 (p.5).

³⁴ See Mangere Historical Society photographs deposited with Auckland Libraries Manukau Research Library: MGE 1, 2, no.6 Footprints 01086; MGE 1, 2, no.7 Footprints 01087; MGE 1, 2, no.8 Footprints 01088; MGE 1, 2, no.9 Footprints 01089; MGE 1, 2, no.10 Footprints 01090; and MGE 1, 2, no.11 Footprints 01091. Also refer to MGE 1, 2, no.4 Footprints 01085

for a photograph of the Manukau Steamship Company's ketch 'Elsie' arriving in the Ōruarangi Creek at Ihumātao. And see the 'Certificate of Appreciation' that was presented 3 June 1905 to John Edward Taylor (Chair of the Mangere Road Board) on the opening of the Ōruarangi Creek bridge (Auckland Libraries South Auckland Research Centre, Ephemera 3/6/1905/o/s Footprints 06081a).

³⁵ For a digital facsimile of John Hugh Boscawen's historic photograph album refer to my research on the topic (URL: https://www.academia.edu/4750914/1899_09_00_-John_Hugh_Boscawen_Digital_facsimile_of_Index_to_Negatives_of_Auckland_Pas_and_Surroundings_taken_by_Hugh_Boscawen_1899_REDUCED_FILE_SIZE_, accessed 6 Mar 2018. For a 21st century recreation of this same photograph album using contemporary photo points (for 'before-and-after' views) refer to URL: https://www.academia.edu/5119426/2013_11_16_- Ian_Lawlor_UPDATE_-A_21st_century_facsimile_of_the_historic_photograph_album_entitled_Index_to_Negatives_of_Auckland_Pas_and_Surroundings_taken_by_Hugh_Boscawen_1899_REDUCED_FILE_SIZE_, accessed 6 Mar 2018.

³⁶ In 2000, at the opening of the OSHR, Ailsa Blackwell related this story to me during one of the fieldtrips that was run over the weekend. At the time there were nectarine and peach trees present, with the dead remains of another two trees. However, it is not known if these remain today; stocking may have resulted in their demise.

³⁷ Refer to URL: <https://paperspast.natlib.govt.nz/parliamentary/AJHR1865-I.2.1.6.16>, accessed 5 Mar 2018.

³⁸ Other likely crops, as evidenced by 'orchard' plants presently growing on the OSHR include grapes, figs and olives (see Lawlor 4 Dec 2009 pp.60-62).

³⁹ For related policies, refer to HNZPT (29 Oct 2015 p.12) *Statement of General Policy Statutory Advocacy Objective 1 Policy 1.1*, and also HNZPT (29 Oct 2015 pp.6 and 9) *Statement of General Policy Archaeological Provisions Objective 1 Policy 1.10*, and Objective 3 Policies 3.1, 3.3 and 3.4. For specific references within the subject property Assessment, Plan and Strategy, for the proposed investigation and destruction of drystone walls located across Road and OSHR Reserve boundaries, refer to: (i) Bickler *et al* (May 2017 pp.52, 58, and 60 [Fig. 42], [Walls C, D, G and H]); (ii) Clough and Macready (Aug 2017 p.4-7 Figs. 2 to 5, and p.8); and (iii) Clough and Macready (Jun 2017 p.9 and Fig. 4 p.10).

⁴⁰ Fletchers Residential Limited (6 Jun 2017).

⁴¹ HNZPT (18 Sep 2017).

⁴² HNZPT Māori Heritage Council (27 Sep 2017).

⁴³ HNZPT (27 Sep 2017).

⁴⁴ Refer to HNZPT Annual Report (2017) p.26) 'Conservation Output 4: Administer the Archaeological Authority Process' (p.26), and 'Objective 9: The Archaeological Authority Process...' particularly policy 9.2 (p.16).