

BEFORE THE KAIPARA DISTRICT COUNCIL'S HEARING PANEL

IN THE MATTER OF

the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER

An application for Private Plan Change 85 (**PC85**)

-MANGAWHAI EAST by Foundry Group Limited
(formerly Cabra Mangawhai Limited) and Pro
Land Matters Company to rezone approximately
94-hectares of land at Black Swamp and
Raymond Bull Roads, Mangawhai

**STATEMENT OF EVIDENCE OF JONATHAN PAUL-DAVID CARPENTER ON BEHALF
OF THE APPLICANTS**

(Archaeology and Historic Heritage)

16 December 2025

Jeremy Brabant

Barrister

Level 7, 50 Albert Street, Auckland Central

PO Box 1502, Shortland St, Auckland 1140

M: 021 494 506

E: jeremy@brabant.co.nz

INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

1. My full name is Jonathan Paul-David Carpenter. I am an archaeologist. I hold a Master of Arts (Honours) in Anthropology (Archaeology specialisation) from the University of Auckland.
2. I have 25 years' experience as an archaeologist/historic heritage consultant in New Zealand, the South Pacific and the USA and have worked as an archaeologist and heritage management consultant for Geometria Ltd for 18 years. I have undertaken approximately 400 archaeological and historic heritage assessments and prepared associated reports for subdivisions and other development in Tamaki Makaurau Te Taitokerau. I undertake regular archaeological monitoring and multiple excavations every year.
3. I have held Section 17 Archaeologist status under the former Historic Places Act 1993, and Section 45 Archaeologist status under the Heritage New Zealand Pouhere Taonga Act 2014 to undertake archaeological investigations and am qualified to comment on archaeological and historic heritage matters.

EXPERT WITNESS CODE OF CONDUCT

4. Although this is not a hearing before the Environment Court, I record that I have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

PROJECT INVOLVEMENT

5. I was engaged to prepare an archaeological assessment to inform the proposed rezoning in May 2024 and undertook a site visit over one day in early June 2024, assisted by my colleague G. Kerby. This site visit focussed on the north side of the Private Plan Change area at Black Swamp and Raymond Bull Roads, Mangawhai

(PPC area/Site). I undertook additional background research in mid-June 2024 to produce the assessment submitted with the application for Private Plan Change 85 (PC85).

6. I had been previously engaged to assess an earlier proposal for part of the PPC area, and undertook that assessment, on the southern side of the PPC area in October 2022, with a one-day site visit.
7. I have undertaken a number of projects in Mangawhai over the last decade and have prepared archaeological assessments for residential construction, subdivisions, Kaipara District Council infrastructure projects, and the Mangawhai Hills Private Plan Change. I have undertaken more than half a dozen investigations/excavations of archaeological sites in Mangawhai and prepared a number of block histories, undertaking original historic research from primary sources.
8. I have read the original Application and additional information, including the updated Development Area provisions technical reports, the documents as notified, relevant submissions and further submissions and the s 42A report and Appendix 2, which is the summary of submissions relating to cultural and archaeological matters.

SCOPE OF EVIDENCE

9. My evidence will focus on the archaeology and historic heritage at Mangawhai East and surrounds. My evidence should be read in conjunction with the archaeological assessment of effects for the proposal dated 10 June 2024 (AAE).
10. My evidence will address the following:
 - a) Overview of the Proposal;
 - b) Archaeology at the Site (and vicinity);
 - c) History of the Site (and vicinity);
 - d) Council's s42A Report;
 - e) Matters raised by submitters;

- f) Recommended changes to the Development Area provisions; and
- g) Summary of Conclusions and Recommendations.

Overview of the Proposal

- 11. The description of the Proposal is accurately outlined in other documents including paragraphs 52-63 of the s42A Report, the AEE and the planning evidence of Ms O'Connor.
- 12. The purpose of PC85 is to:
 - a. Provide additional urban zoned land as a natural extension of Mangawhai Village in a location reflecting the demand for land adjacent to the coast, for residential and supporting business activities;
 - b. Efficiently and effectively support the growth of Mangawhai and ensure that there is sufficient land supply to provide choices and maintain affordability; and
 - c. Provide a coordinated and efficient use of the land resource for the Mangawhai East area where there are urban activities and extensive rural residential living activities establishing in an ad hoc manner.
- 13. The PPC area covers approximately 94ha of currently Rural Zone land under the Operative Kaipara District Plan between Raymond Bull and Black Swamp Road, and south of Black Swamp Road. PC85 seeks to rezone the Site a mixture of (predominantly) Low Density Residential Zone, Rural Lifestyle Zone, Large Lot Residential Zone, Medium Density Residential Zone and Mixed Use Zone.

Archaeology at the Site (and Vicinity)

- 14. There are three recorded archaeological sites within the PPC area, all of which were recorded as a result of the preparation of the Application.
- 15. Two of the sites, a shell midden (R08/256), likely of Māori origin and a historic European midden (R08/258) were observed during the site visit. The third site, a turn-of-the-century gum store (R08/259) is recorded from historic records only and has not been ground-truthed.

16. R08/256 was recorded on the edge of alluvial terrace on south side of an unnamed arm of the Mangawhai harbour which is crossed by Black Swamp Road. Shell midden was visible in grass and stock trampled areas on the edge of an old alluvial terrace. The midden comprised two deposits approximately 10m x 10m in size, based on probing. The eastern deposit extends from the top of the terrace, down the 1m-1.5m high bank and on to the flats below. Highly fragmented cockle shell midden is visible in the grass on the bank, with a more or less intact deposit of whole and some fragmentary cockle shell in black, charcoal stained soil present from 10cm below the surface in spade test units.
17. The western deposit was separated from the eastern deposit by several metres where no shell appeared to be present, based on probing. The western deposit is on the flats below the terrace, exposed by stock trampling beneath a fallen tree, and is highly fragmented on the surface. The site is consistent with a pre-European contact Māori midden.
18. R08/256 the Māori midden is of low to moderate archaeological significance. The features have been modified by stock trampling and other farming and land management practices, and on-going erosion. The site has little or no landscape or amenity value and there is no specific association with historic events or personalities. However the features and wider site still have information potential and appear to be more intact than the nearest other midden features recorded at Tern Point. They are likely to be of significance to Te Uri O Hau as a physical reminder of their ancestor's occupation of the area.
19. R08/259 is the site of the late 19th century-early 20th century gum store. There was no sign of any remains relating to the gum store on the existing ground surface, but subsurface features are likely. The establishment of the Mangawhai Kauri Gum Reserve occurred in 1899 and the site may post-date 1900, however it is clear that unregulated gum digging was occurring on Crown Land and the neighbouring Hogan property prior to 1900 in Mangawhai, and Hogan also ultimately sold gum digging leases on his property, within the PPC area. A single possible gum pit was noted on the north side of the creek, on the small flat between the water and Black Swamp Road. Infilled gum pits and trenches are likely to be present across the wider area and subsurface features associated with the gumstore may remain.

20. Bottles, ceramics, brick, and iron artefacts and oyster shells were noted in the mud at the base of the eroding sandstone cliff of the Kaipara District Council esplanade reserve northwest of Blackswamp Road between the road and holiday park. It was recorded as archaeological site R08/258.
21. A 30-40cm thick peaty sandy layer of sediment containing oyster shells and artefacts visible near the bottom of the cliff, at the high-tide mark. Ceramics included earthenware drain pipe, clay bricks and tableware decorated with under-glaze printed transfer decoration in blue, brown and red, including patterns of edge banding, aesthetic movement stylistic borders, and Willow and Asiatic Pheasants, and one example of green glazed basket moulded ware. Notable diagnostic features included hand applied (and often also tooled) finishes on all of the bottle tops that were briefly inspected, rather than those that have been partially formed in mould and then completed by hand tooling. Artefacts and building material dated from the mid-late 19th to early 20th century and are consistent with disposal from a nearby European domestic habitation.
22. The historic European artefact scatter R08/258 and gum store R08/259 are of low archaeological significance. The two sites relate to the late 19th and early 20th century occupation of the area by settlers and gum diggers and are likely to have similar information potential and diversity of features as other sites of the period which are relatively ubiquitous. The sites are in poor condition, either below the surface or eroding away. However Mangawhai is proud of its gum digging heritage and it is likely that any investigation of the features is likely to be of interest to locals, some of whom may still have ancestral connections to the sites.
23. There are no scheduled historic sites in the Kaipara District Plan, or sites on the Heritage New Zealand List, in the PPC area. However the Mangawhai Harbour Coastal Area Nohoanga Area of Significance to Māori is scheduled per Appendix 17.2 of the District Plan with the mapped extent including the coastal strip of the PPC area.

History of the Site (and Vicinity)

24. The traditional history of the Mangawhai area, its abandonment following the decisive battle of Te Ika a Ranganui near Kaiwaka in 1825, and its subsequent

purchase by the Crown in 1854 are comprehensively outlined in the Kaipara Report of the Waitangi Tribunal (Wai 674, 2006).

25. There is no specific Māori history associated with the use and occupation of the PPC area. Māori settlement in Mangawhai prior to 1825 appears to have been concentrated on the shoreline western shoreline of the harbour, from the Heads beach to Bream Tail, and on the good gardening soils of the Tara-King-Browns Road areas. Extensive midden are present on the sandspit, but relatively fewer and smaller midden are present on and in the vicinity of the PPC area with its more marginal soils and low-lying aspect.
26. Following the Crown purchase of the Mangawhai Block, the south side of the PPC area was granted to and then conveyed amongst several settlers recently discharged from the 58th Regiment, Messers Harrison, Slatterly, Insley, Dingwall and Hogan from 1857-1876.
27. Charles Hogan purchased the land in 1876. He discovered coal on the waterfront, giving rise to the name Coal Hill for the high ground above/to the south. The land went to his wife Elizabeth on his passing in 1911 and the Hogan family were the longest serving proprietors of the land, continuing to farm the neighbouring Pt Lot 14 into the 1930s.
28. A kauri gum store was located in the vicinity of Section 25. That lot was originally part of the Mangawai (sic) Kauri Gum Reserve and the exact location of this store is shown on SO 27301, the subdivision of the Reserve in 1933. As noted above, no sign of this enterprise is visible on the extant ground surface.
29. North of Blackswamp Road and west to the harbour, the other properties in the PPC area were originally part of the 103 acre Allotment 14 Parish of Mangawhai. Allotment 14, was originally granted to Richard Clarke on 29 April 1861. He subsequently sold the lot to Edwin Fredrick Barnett on 2 July 1861. Clarke was resident in Melbourne at the time, living in the same suburb as Barnett. Barnett sailed to Auckland with his wife and family on the *Claud Hamilton*. They proceeded to Mangawhai and he took over the school from Jane Skeen, the first teacher and important local settler, in August 1864.
30. Barnett sold to John Bull on 16 May 1865 and Bull, described as a master mariner of Auckland, sold the land to Robert Horne, merchant of Auckland on 9 February

1866. Horne sold the land to Charles Hogan on 18 March 1880, four years after he purchased Allotment 13, and it was incorporated into Hogan's farm.

31. The land directly to the east of the Plan Change area remained Crown Waste Land until the very end of the 19th century, when the Kauri Gum Industry Act of 1898 allowed for the creation of kauri gum reserves on suitable Crown land. Gum digging undoubtedly took place across most of the area on private and Crown land, prior to it being broken in for farming.
32. In the 1898 Parliamentary inquiry into the Kauri gum industry, Charles Hogan stated that there were about 300 Austrians working in the vicinity of his farm that year, the third year they had been in the area and the first year of such a large number. They were largely digging on the Crown land, or on absentee land without permission as there were no gum leases let on the Mangawhai side of the harbour. Hogan complained there were no British diggers apart from a few old squatters on the Crown land; that the Austrians dug without permission inside his fences and accosted him when he had them removed; that they sent most of their money back home rather than spending locally; and that they had no intention to settle. In order to manage the concerns of the British settlers, which were echoes across the gumland of the upper North Island, and in order to maximise the value of the gum in the ground on Crown land, the Act was passed later in the year. The first Crown Kauri Gum Reserve on the south side of the harbour at Black Swamp Road was gazetted in 1899.
33. Plans of Kauri Gum Reserves from the Kauri Gum Industry inquiry of 1914 and the Department of Lands and Survey 1928 show the PPC area immediately adjacent to the 725 acre Mangawai (sic) No.1 Kauri Gum Reserve, gazetted in 1898 and to the west of that reserve, a 2944 acre extension extending to the ocean gazetted in 1907.
34. In 1914, another Crown Commission of Inquiry was initiated in order to inspect and classify the reserves and identify which still had sufficient gum remaining to be retained as reserves, and which should have their designation uplifted and be used for settlement purposes. The gum reserves were progressively reduced in size and the less payable land degazetted, leased and freeholded, many to returned service men after the war. By the early 1930s the gum reserve adjacent to the PPC area was subdivided and sold.

S42A Report

35. I have reviewed and considered the s 42A Report prepared by Mr Clease to the extent it relates to matters within my area of expertise. No additional archaeological or historic heritage advice from Council's experts has been sought by Mr Clease in the preparation of his report.
36. The s42A report notes the presence of the three sites recorded in the archaeological assessment, their low significance, and the overall finding that the urbanisation enabled by PC85 will not give rise to unacceptable effects on archaeological values. Any earthworks will require an archaeological authority under the Heritage New Zealand Pouhere Taonga Act, a separate regulatory process, and that this will require both consultation with Tangata Whenua and archaeological and cultural monitoring of earthworks.
37. The s42A report notes that as archaeological sites are present and any earthworks affecting them will need an archaeological authority, an accidental discovery protocol advice note is not required as the sites are already known and an authority will be required if they are to be modified, which will have its own management conditions to meet.
38. The s42A report notes HNZ has requested an advice note to alert plan users regarding the PPC area that an archaeological authority will be required for any activity that will modify the archaeological sites and supports the addition of the advice note to the plan in the section regarding earthworks advice notices. I support that inclusion.

Matters Raised by Submitters

39. A total of 87 submissions on the Proposal have been received. I have reviewed the submissions.
40. Only one submitter, Heritage New Zealand Pouhere Taonga, submitted on archaeology and historic heritage matters (Submission 85) – refer Appendix 2 to the s42A report.
41. Heritage New Zealand Pouhere Taonga seeks to focus archaeological assessment prior to any development activity involving earthworks in the PPC area.

42. Heritage New Zealand Pouhere Taonga requests an advice note advising an archaeological assessment is required for any development in the immediate vicinity of the recorded archaeological sites.
43. Heritage New Zealand Pouhere Taonga requests that where an archaeological assessment is undertaken, the archaeologist's advice shall be followed in any resource consent implementation activity.
44. Heritage New Zealand Pouhere Taonga requests that the extent of R08/256 the Māori midden be formally surveyed so that it can be completely encompassed within the proposed esplanade reserve, or otherwise reserved by fencing.
45. Heritage New Zealand Pouhere Taonga requests a Heritage Management Plan be prepared to outline processes around managing archaeological sites in the PPC area.
46. The Applicant has supported these requests in its Further Submission on PC85 and I understand that the updated version of the Development Area provisions appended to Ms O'Connor's planning evidence reflects these changes.

Recommendations

47. I support the provision of an advice note regarding archaeological assessment, authorities and earthworks in the PPC area for works in the vicinity of the recorded archaeological sites.
48. I suggest there is still a need for an advice note pertaining to accidental discoveries for works that may be permitted and which may from time to time occur in the PPC area away from the immediate vicinity of the recorded sites, and without triggering the need for consents, and which may accidentally encounter/modify unrecorded archaeological sites and features, noting this is a requirement under the Heritage NZ Pouhere Taonga Act.
49. I support the reservation of R08/256 midden within the proposed biodiversity restoration and recreation area around the Black Swamp Stream margins/coastal finger on the south side of the PPC area.

CONCLUSION

50. I consider that any archaeological and historic heritage related effects of the Mangawhai East Private Plan Change will be satisfactorily avoided or mitigated through the imposition of the proposed avoidance of R08/256 midden, and advice notes.
51. There are three archaeological sites within the PPC area and there are likely to be additional sites, albeit likely to be of low significance and which are unlikely to be identified in advance of targetted assessments of effects and large scale topsoil stripping. In my experience this is typical when larger vacant sites, or greenfield land is developed. Onsite archaeological investigation at the time of development can successfully ensure effects on heritage and potentially cultural values, are appropriately managed.
52. Future development effects on archaeological sites and features can be adequately addressed through triggers for archaeological assessments, archaeological authorities and management planning and other conditions through the separate legislative processes of the Heritage New Zealand Pouhere Taonga Act 2014.
53. Recorded midden R08/256 can be managed by inclusion within the proposed esplanade reserve, sensitive placement of any landscape plantings and amenities, and otherwise be protected from future development.

Jonathan Paul-David Carpenter

16 December 2025

Attachments:**A. Jonathan Paul-David Carpenter Statement of Experience**

My name is Jonathan Paul-David Carpenter

I have an MA (Honours – First Division) in Anthropology (Archaeology specialisation) from the University of Auckland.

I have been employed as an archaeologist and historic heritage management consultant for more than 25 years in New Zealand, the South Pacific and the USA.

From 2008 to the present I have worked as an archaeologist and heritage management consultant for Geometria Ltd and in that time have prepared approximately 400 archaeological and historic heritage assessments and associated investigation and reporting for subdivisions and other development in Tamaki and Te Taitokerau, and have undertaken numerous archaeological excavations in the region.

Prior to working for Geometria I was the Department of Conservation Northland Region Historic Officer from 2004-2008. From 1999-2004 I worked as a tutor and assistant lecturer in archaeology for the University of Auckland, and as an archaeologist for the US Forest Service, American Samoa Power Company, the Auckland Regional Council, and as a sub-contractor to a number of Auckland-based archaeological consultancies.

I served two terms on the New Zealand Archaeological Association Council, in 2008 and 2009. I am a member of the New Zealand Archaeological Association and am bound by their Code of Ethics and Standards for Practice of Professional Archaeology in New Zealand.

I have held Section 17 Archaeologist status under the former Historic Places Act 1993, and Section 45 Archaeologist status under the Heritage New Zealand Pouhere Taonga Act 2014 to undertake archaeological investigations, and am qualified to comment on archaeological and historic heritage matters.

Figures



Figure 1: Archaeological sensitivity at the Black Swamp private plan change area.



Figure 2: Looking west over R08/256, from eastern midden (foreground) to western midden (beneath fallen tree).



Figure 3: Test unit with whole cockle shell midden, eastern midden,



Figure 4: Eastern midden, with exposed shell in grass.



Figure 5: Detail of exposed fragmented shell in grass.



Figure 6: Western midden, looking east, exposed by stock trampling.



Figure 7: Detail showing highly fragmented shell from stock trampling.



Figure 8: Approximate location of R08/259 a historic gum store, looking northwest from south east corner of Section 25.

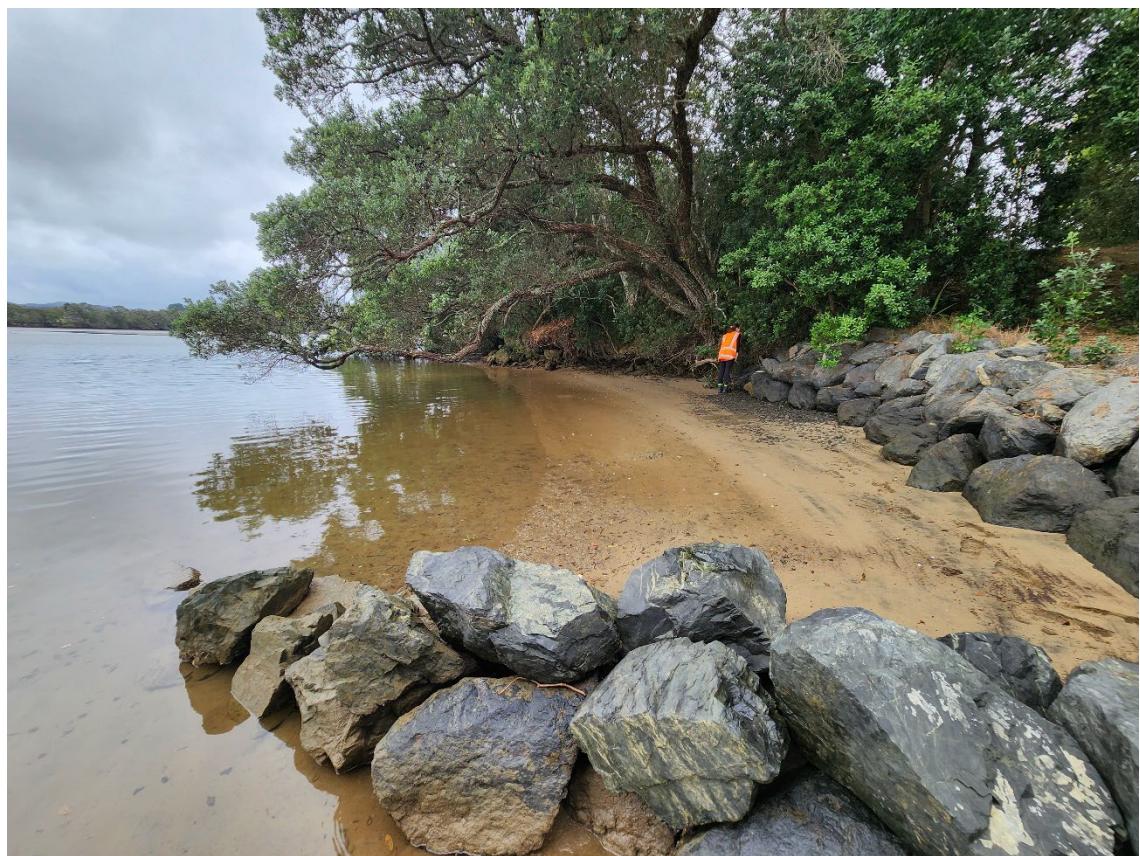


Figure 9: Looking northwest to historic artefact scatter and eroding layer R08/258.



Figure 10: eroding occupation layer.



Figure 11: Oyster, bottle glass and ceramics eroding from peat layer above sandstone.



Figure 12: Bottle glass, ceramics, copper dish in mud, as found.



Figure 13: Bottle glass and ceramics in mud, as found.