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## INTRODUCTION

### Project Background

Fletcher Development Limited is seeking a Plan Change to rezone land currently zoned as Future Urban Zone at Silverdale West for light industrial use (Figure 1). The land that comprises the Silverdale West Plan Change area is located to the west of State Highway 1 and southwest of the current Silverdale township, and southeast of Dairy Flat Highway (Figure 1 and Figure 2). The Plan Change area contains 14 Properties (split into 11 groups) spanning some 107.35ha, which are predominantly rural residential with grass fields grazed by livestock and is bordered by similar rural properties to the north and south while in the northeast there are light industrial premises adjacent to State Highway 1 (Figure 2 and Figure 3). The topography is flattish along the frontage with Dairy Flat Highway before sloping relatively steeply eastward to more level to gently undulating terrain along the western side of State Highway 1 (Figure 3).

An archaeological assessment was commissioned by Fletcher Development Ltd as part of a wider suite of assessments in support of their application to Auckland Council for a Plan Change of the 1 Silverdale West FUZ area. This initial assessment established that the majority of the land within the PC area was owned in the 19th century by Maurice Kelly and the Kelly family (former Allotments 7, 8 and 16 [219]), a notable early settler family in the Wade area. The assessment also established that the property at 1636 Dairy Flat Highway contains the recorded archaeological site R10/737, the site of Kelly's former inn, stables, homestead and additional buildings although no above ground remains of any of the structures survive. Kelly's inn was widely known as a waypoint on the road, a place of accommodation for travellers, and a focus for community activities. Kelly's association with the property ended in 1884, but his house survived until circa 1982. It was sited immediately northeast of the existing house that replaced it. Archival plans drawn at various different times show a large building and three or four smaller buildings in a group, with a stable further away beside the road. The small buildings are annotated as houses on one plan. It is assumed that the larger building is the inn and that one of the smaller buildings was Kelly's homestead. Kelly's Inn had a large kitchen which was of sufficient size to hold an annual ball associated with the Wade horse races (New Zealand Herald 8 March 1865: 4), whereas the Kelly house was a modest sized dwelling (see New Zealand Archaeological Association Site Record Form for R10/737 - appended).

As no extant features or structures relating to site R10/737 survived above ground, an exploratory archaeological authority under Section 56 of the Heritage New Zealand Pouhere Taonga Act 2014 was applied for and granted by HNZPT (Authority no. 2023/392). The aims of the exploratory investigation of the Kelly site was to identify if any subsurface archaeological remains of site R10/737 survived, and if so, to establish the condition and nature of the archaeological deposits and features, as well as to define the extent of the site. This would allow an informed understanding and assessment of the significance of archaeological values of the Kelly site, and how they will be affected by proposed future development of the site which would be enabled by the PC. It also allows for a more nuanced discussion of appropriate avoidance and mitigation strategies.

This report has been updated to incorporate the results of the Section 56 archaeological investigation of site R10/737 and has been prepared as part of the required assessment of effects accompanying a Plan Change application under the Resource Management Act

1991 (RMA) and to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Recommendations are made in accordance with statutory requirements.

## **Methodology**

The New Zealand Archaeological Association's (NZAA) site record database (ArchSite), Auckland Council's Cultural Heritage Inventory (CHI), Auckland Unitary Plan Operative in Part (AUP OP) schedules and the Heritage New Zealand Pouhere Taonga (Heritage NZ) New Zealand Heritage List/Rārangi Kōrero were searched to determine whether any archaeological or other historic heritage sites had been recorded on or in the immediate vicinity of the project area. Literature and archaeological reports relevant to the area were consulted (see Bibliography). Early survey plans and aerial photographs were checked for information relating to past use of the project area.

A visual inspection of the project area was conducted on 9 September on a selection of properties (see Field Survey section, below). The ground surface was examined for evidence of former occupation (in the form of shell midden, depressions, terracing or other unusual formations within the landscape, or indications of 19th century European settlement remains). Exposed and disturbed soils were examined where encountered for evidence of earlier modification, and an understanding of the local stratigraphy. Subsurface testing was not carried out owing to the waterlogged nature of the majority of the paddocks. Photographs were taken to record the topography and features of interest.

The exploratory archaeological investigation was undertaken between 23 and 24 March 2023, and entailed the excavation of eight trenches to ascertain the presence or absence of archaeological deposits and features and inform on their condition. Any subsurface archaeology present was cleaned by hand and photographed, recorded, and trench plans and sections were drawn.



Figure 1 Location of the proposed Silverdale West Plan Change area in relation to the Greater Auckland Area (source: NZ Topo Map)

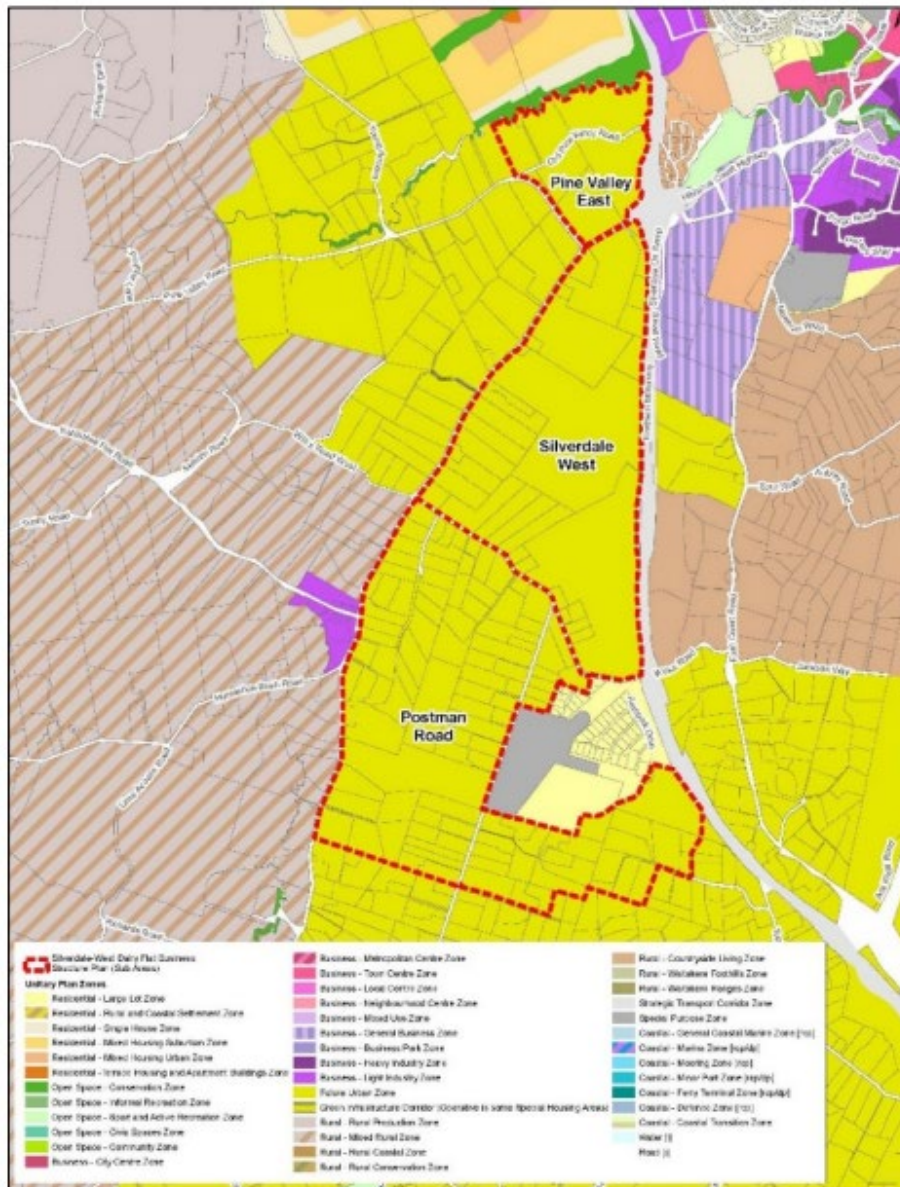


Figure 2 Aerial view of the wider Silverdale West Dairy Flat Industrial Structure Plan Area (source: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/place-based-plans/structure-plans/Pages/silverdale-west-dairy-flat-industrial-area-structure-plan.aspx>)



Land within defined scope for Silverdale West Dairy Flat Highway Private Plan Change (107.35 ha)		Area (ha)
1	a. 1636 DAIRY FLAT HIGHWAY b. 193 WILKS ROAD	55.62
2	a. 1732 DAIRY FLAT HIGHWAY	16.38
3	a. DAIRY FLAT HIGHWAY b. 1744 DAIRY FLAT HIGHWAY c. 1748 DAIRY FLAT HIGHWAY d. 1738 DAIRY FLAT HIGHWAY	6.05
4	1748A DAIRY FLAT HIGHWAY	3.44
5	1700 DAIRY FLAT HIGHWAY	2.70
7	1638 DAIRY FLAT HIGHWAY	0.37
8	1646 DAIRY FLAT HIGHWAY	0.78
9	1686 DAIRY FLAT HIGHWAY	0.78
10	1660 DAIRY FLAT HIGHWAY	20.24
11	DAIRY FLAT HIGHWAY	0.99

Figure 3 Silverdale West Private Plan Change Area indicated by the blue dashed line, with 14 properties distinguished by land owner (source: Fletcher Development Ltd)



## HISTORICAL BACKGROUND

### Māori Settlement<sup>1</sup>

The Weiti area has a history of human occupation that extends back over centuries. The Māori history is interrelated with the history of the coastal area between the Waitemata Harbour and Mahurangi and more specifically to the Whangaparaoa district which incorporates Te Weiti. This history reflects the migrations, conquests and occupations that took place in the area. Ngāti Kahu, who occupied the area for some time, are mostly of Kawerau descent, related to the Ngāti Rongo people of Mahurangi, and the Ngāti Poataniwha people who lived in the Upper Waitemata Harbour area. The history of Māori settlement in the area cannot be viewed in isolation but in the wider geographical and historical context.

Through intermarriage Ngāti Kahu have ancient links with the land. In the 14th century the Tainui waka with its crew visited the area and named it Whangaparaoa. Descendants of several crew members settled in the Whangaparaoa and Te Weiti areas. They belonged to both a large tribal group known as Ngaoho, and the iwi known as Ngāti Tai. These people gained an important Arawa connection after Tahuwhakatiki from the Te Arawa canoe also settled at Whangaparaoa.

In the 1620s, a large group of Ngāti Awa people migrated north to the Tamaki Isthmus bringing about a major influence on the Whangaparaoa district. Led by Maki and his brothers Mataahu and Maeaeariki, these people conquered Tamaki and spread northward. One of many numerous battles was at Whangaparaoa Peninsula, where the Ngaoho people were defeated and absorbed by intermarriage.

Maeaeariki eventually made his home at Orewa while his children Te Utu and Kahu remained at Whangaparaoa. It is from Kahu that the tribal group who occupied the Whangaparaoa district until the 19th century took the name Ngāti Kahu. Intertribal relationships including peace settlements and marriages with Ngāti Whatua, a tribe that had settled in the southern Kaipara, enabled Ngāti Kahu to live in peace on their lands at Orewa, Whangaparaoa and Okura for over a century.

However, in the mid-1700s, Ngāti Kahu began to be affected by the movements of tribal groups in the surrounding region. Pressure came particularly from the Hauraki tribes of the powerful Marutuahu Confederation which wanted to control the important shark fishing grounds lying off the Whangaparaoa Peninsula.

Fighting between the Marutuahu tribes and the Kawerau iwi continued sporadically throughout the 18th century. By the 1780s, the Hauraki tribes were in the ascendancy. Ngāti Kahu still remained in control of the Whangaparaoa district, although the Ngāti Paoa iwi had shown their dominance by constructing a small pa on the adjoining island of Tiritiri Matangi for use while on fishing expeditions. They sought control over the famed tauranga mango, or shark fishing grounds, of the coastline north of Whangaparaoa. From these grounds, thousands of sharks could be caught and dried in summer and then taken home to the Hauraki Gulf to provide a valuable winter food source. Ngāti Kahu had their own pa, Rarowhara, and camping area related to the sharking grounds at the northern mouth of Weiti River.

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<sup>1</sup> The Māori Settlement section is taken from: Bickler and Clough 2014 and Low and Clough 2020. Information for the reports were, in turn, largely derived from the following: Murdoch 1991 and 1996.

Warfare continued between the two groups until the 1790s when a peace making meeting was held at Mihirau on land what is now part of the Wenderholm Regional Park. This fragile peace was soon broken and the Marutuahu iwi inflicted a major defeat on the Kawerau people at Whangateau near Omaha. Ngāti Kahu people assembled at Rarowhara Pa. Mereri, a Kawerau elder living at Awataha village in the early 1900s, told of the events which followed: ‘The Ngāti Paoa ultimately attacked our people in the pa at Rarowhara, near Matakatia but we surprised and defeated them on the beach in open battle. Thereafter we held those places at Whangaparaoa peninsula and Te Weiti river until the musket armed Ngā Puhī attacked us’ [in 1821].<sup>2</sup>

At the time of European contact in the 1820s several interrelated hapu known as Ngariki lived in the area between Takapuna and Mahurangi, part of the wider Te Kawerau/Ngāti Rongo group with links throughout the greater Auckland area and beyond. The residents of Whangaparaoa were known as Ngāti Kahu, whose identity had emerged in the 1600s. Various migrations associated with the great voyaging canoes into this area had taken place from the late 1400s, including Ngāti Tahu and the descendants of Tainui, who became Ngāti Tai and occupied Whangaparaoa (Campbell & Clough, 2003:5).

Following this attack the area was left largely deserted, being used primarily as a hunting and resource collection area by members of the Ngāti Whatua and Ngāti Paoa iwi (Grover, 1996). Te Kawerau repopulated the area from about 1836, and it was later sold by the Hauraki tribe (who claimed ownership by conquest) as part of the 1841 Mahurangi purchase. Te Kawerau occupied the area until the 1850s when they were resettled on Native Reserves to the north, between Puhoi and Tawharanui (Bedford & Felgate, 1994:2).

Ngāti Kahu gradually returned to the Whangaparaoa district. Through the 19th century Ngāti Kahu migrated over their ancestral domain between Orewa and Okura in a seasonal cycle of fishing, hunting, gathering and harvesting. They maintained kāinga (occupation sites) throughout this area, although settlement was concentrated around the sheltered bays on the southern coastline of the Whangaparaoa Peninsula, and in particular at Te Haruhi Bay because of its strategic location and its abundant natural resources. It also provided the best site for cultivation in the Whangaparaoa district.

Murdoch states that the only other large cultivations of Ngāti Kahu were ‘located at Okura near the old Dacre cottage’.<sup>3</sup> The sandy soils made the coastal flats ideal for cultivation of kumara, yams and gourds while the swampy areas within the flats would also have been suitable for the cultivation of taro (*Colocasia antiquorum*). Grace and Rickard note that ‘the north facing slopes of the main stream valley are intensively terraced, with very wide earthworks and containing pits and midden areas.’<sup>4</sup> As they ‘face due north and are very sunny, well drained, and border streams or wet areas it would seem that they were probably garden areas.’<sup>5</sup>

## European Settlement

Europeans began appearing in the Weiti, or ‘The Wade’, district by the 1830s, and with their arrival Māori came under increasing pressure to relinquish land. The first European

<sup>2</sup> G. Graham 1918, p.87, in Murdoch 1991, p.34.

<sup>3</sup> Ibid, p.35.

<sup>4</sup> C.J. Grace and V.A. Rickard. 1982. Site Survey of the Weiti Station, Silverdale. New Zealand Historic Places Trust, Auckland (1982/2), p.9.

<sup>5</sup> Ibid.

settler to purchase land in the area was Henry Taylor, who acquired the 20,000 acre Weiti Block in 1839 and established a sawing station beside Te Weiti River.<sup>6</sup>

Further pressure was placed on Māori land after the decision by Governor Hobson to relocate the colonial capital southwards from the Bay of Islands shortly after the signing of the Treaty of Waitangi. Hobson ordered his Surveyor General, Felton Mathew, to investigate every inlet from the Bay of Islands to the Firth of Thames, including the Weiti River and surrounding area. In a letter to the Colonial Secretary, dated 15 June 1840, Mathew wrote that he had sighted ‘a river of some magnitude which disembogues in “Tofino Bay”’ (now Karepiro Bay); however, he concluded ‘its extent can be but inconsiderable’.<sup>7</sup> Despite Mathew’s initial impressions of Te Weiti, when the Tamaki isthmus was chosen as the site of the new capital, land in and around the Mahurangi became even more essential to the Crown as it was now one of the main gateways to Auckland.<sup>8</sup> The fine stands of native kauri throughout Weiti were a highly sought after resource and attracted gangs of sawyers who camped in the area and traded sawn timber and firewood on the Auckland market.<sup>9</sup>

On 13 April 1841, the Crown acquired its first large tract of land in the area, known as the Mahurangi Purchase. This included the Mahurangi and Omaha Block (Deed No. 192) comprising an estimated 220,000 acres, with boundaries stretching from the North Shore of the Waitemata in the south to Te Arai Point in the north (Figure 4).<sup>10</sup> Initial payment for the land included: ‘400 blankets, 60 cloaks, £200 cash, 60 gowns, 2 horses, 2 head of cattle, 200 pairs of trousers, 30 coats, 100 caps, 4 casks of tobacco, 6 bags flour, 2 bags rice, and 1 bag sugar.’<sup>11</sup> However, complications arising from the purchase were soon apparent. The land was not obtained from resident iwi such as Ngāti Kahu, but from Hauraki tribes who claimed ancestral control of the area from the 18th century.<sup>12</sup>

Negotiations were also ongoing with European settlers, many of whom held pre-treaty or pre-emption waiver claims over various tracts of the land.<sup>13</sup> A ‘second wave’ of Mahurangi purchases was conducted by the Crown between 1853-1865, most notably the Parihoro Mahurangi Purchase (Deed No.197), dated 1 November 1853, which outlined the boundaries of the Mahurangi Block and was signed by Parihoro and four other Kawerau chiefs.<sup>14</sup> Following the final settlement of claims against the Mahurangi Purchase, surveying in the Weiti district continued, with allotments marked out for sale by both speculators and settlers.<sup>15</sup>

The Plan Change Area incorporates portions of original Allotments 7, 8, 16 [219], and 37 [210, 212, 214, 217, 219], Parish of Okura, and Allotment 261, Parish of Pukeatua (Figure 5). The Kelly family occupied, owned or leased much of the land in the Plan Change Area

<sup>6</sup> Litchfield 1996:p..8.

<sup>7</sup> Robin Grover, *The Story of Silverdale...Alias the Wade, 1839-1853*, Private Publication, 1996, pp.5-6.

<sup>8</sup> B. Rigby, *The Crown, Māori, and Mahurangi 1840-1881: a historical report commissioned by the Waitangi Tribunal*. New Zealand, 1998, p.11.

<sup>9</sup> Grover 1996, p.5

<sup>10</sup> H.H. Turton, *Māori Deeds of Land Purchases in the North Island of New Zealand: Volume One*, Wellington, 1877, p.251; Rigby 1998, p.2.

<sup>11</sup> Turton 1877, p.251.

<sup>12</sup> Turton 1877, p.251. <sup>12</sup> Rigby 1998, p.20.

<sup>13</sup> Grover 1996, p.35; Rigby 1998, p.3.

<sup>14</sup> Turton 1877, pp.255-6; Rigby, p.37.

<sup>15</sup> Robin Grover, *Makers of the Wade*, Whangaparaoa, 2013, p.55.

from the late 1840s or 1850s, until the late 19th century. A brief history of each Allotment is presented below.

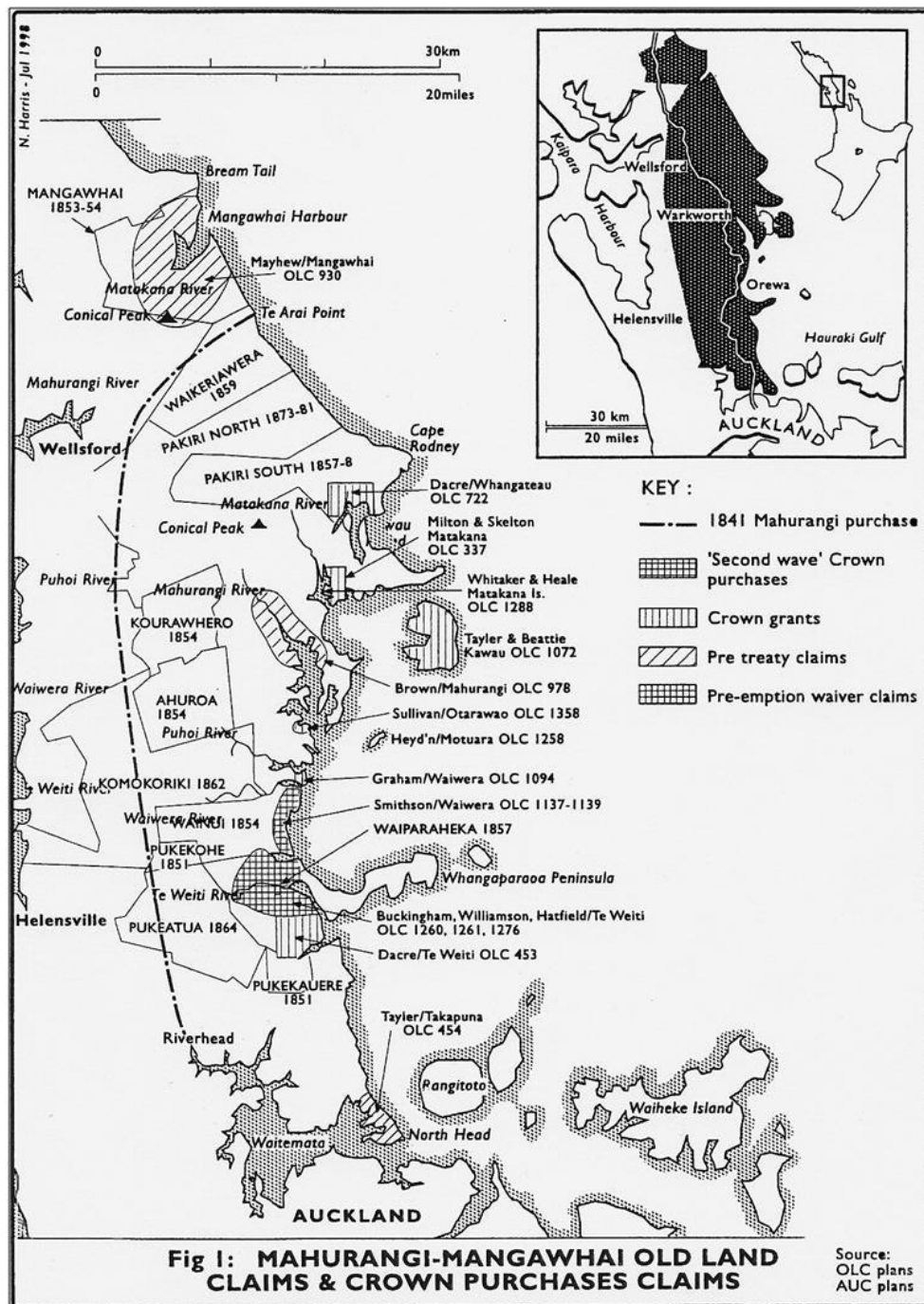


Figure 4 Plan showing land claims and Crown purchases in the Mahurangi. (source: Rigby, B. 1998. The Crown, Māori, and Mahurangi 1840-1881: a historical report commissioned by the Waitangi Tribunal. New Zealand, p.3)

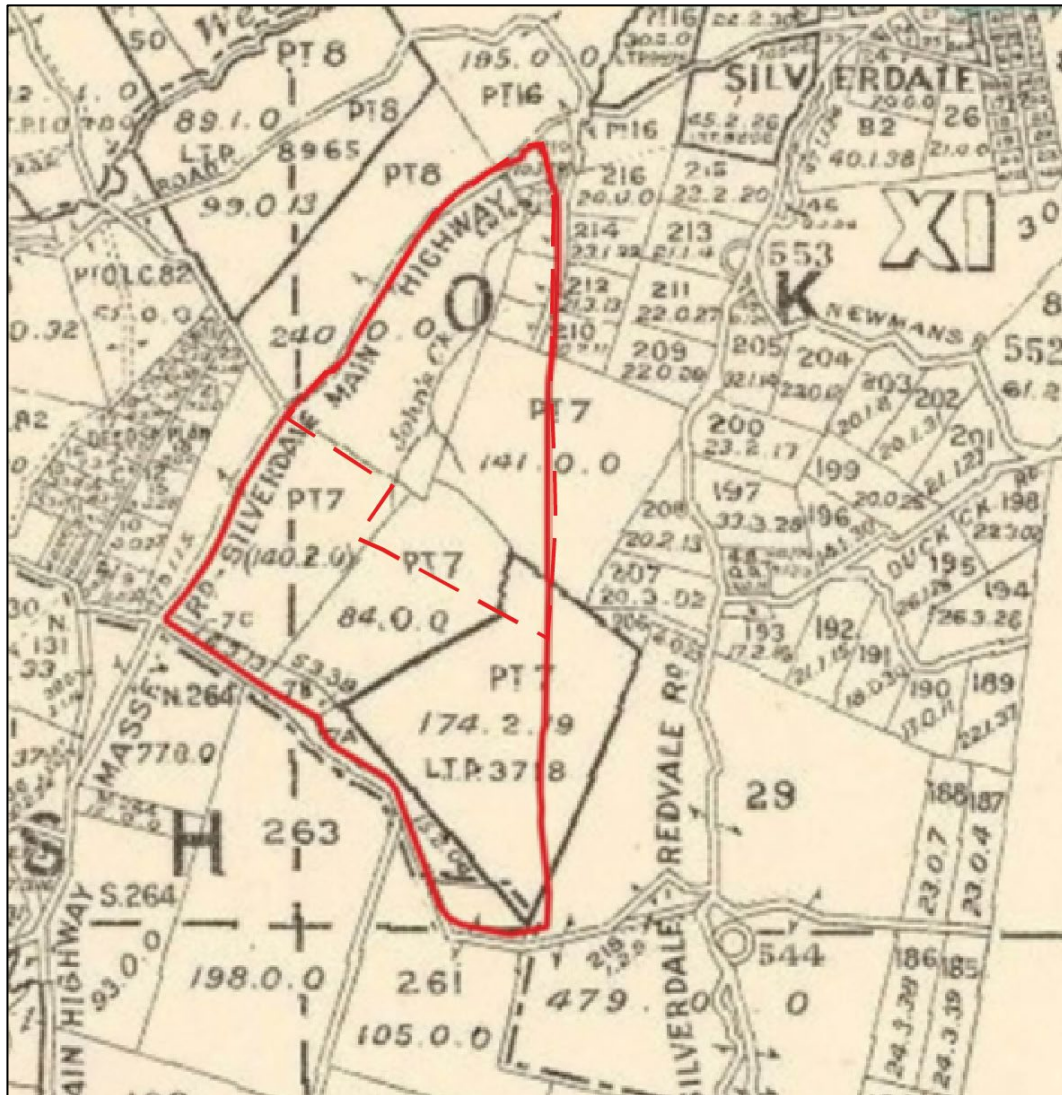


Figure 5 Tiritiri and Waiwera Survey District map, dated 1932, showing positions of Allotments 7, 8, 210, 212, 214, 217 and 219, Parish of Okura, and Allotment 261, Parish of Pukeatua, with approximate Plan Change Area extent overlaid in red-dashed lined (source: Tiritiri and Waiwera Survey District, Bardley, Wm., New Zealand Department of Lands and Survey, NZMS 13; NAK 67, 68. Alexander Turnbull Library)

### Allotment 7, Parish of Okura

A Crown Grant for Allotment 7, Parish of Okura, was obtained by Irish-born settler Maurice Kelly (see below for information on Kelly) on 23 April 1855 (Figure 5 and Figure 6). The land comprised an area of 550 acres and was purchased by Kelly for the sum of £250.<sup>16</sup> The deed stated that at the date of purchase ‘lines of Road have not been determined and laid out in which the said piece or parcel of land is situated’; however, the allotment was later traversed by the second Great North Road (now Dairy Flat Highway).<sup>17</sup> It remains unclear exactly how Kelly utilised the land within Allotment 7, although it is thought likely to have been cleared of any valuable timber and converted into dairy farming (Figure 7).<sup>18</sup>

<sup>16</sup> Crown Grant 1G/3377, BAJZ A1660, 23663 955/a, Archives New Zealand.

<sup>17</sup> Crown Grant 1G/3377, BAJZ A1660, 23663 955/a, Archives New Zealand.

<sup>18</sup> See: Grover 2013, p.33.

Subdivision of Allotment 7 occurred from 1869 when an eastern portion of 184 acres and 2 roods was conveyed by Kelly to his son-in-law, Henry Dacre, for the sum of 5 shillings.<sup>19</sup> The deed stipulated that the transfer of the land was ‘in consideration of the natural love and affection which he [Kelly] bears to his daughter, Louisa Elizabeth Mary Josephine Fair Dacre, wife of the said Henry Dacre’, and described the land as a vacant parcel.<sup>20</sup> In July 1873 a further 84 acres, located through the central portion of the original allotment, was transferred to Thomas Wilson, a farmer from Dairy Flat, who purchased the land for a pound an acre at £84.<sup>21</sup>

The following year Kelly conveyed 140 acres and 2 roods, comprising the westernmost section, to his son, Thomas Kelly, who was a resident of Ngaruawahia at the time of conveyance [23 October 1874].<sup>22</sup> The subdivided portion was bounded to the north by Allotment 8, to the south by what is now Wilks Road, and was bisected by the Great North Road to the west. A plan of the area was provided in the deed of conveyance which outlined the transfer of the land ‘together with all buildings thereon erected.’<sup>23</sup> Further details of the number or type of buildings, as transferred by the deed, are unknown; however, notices for the sale of the property in 1885 confirm the later construction of the Junction Hotel on the land. The hotel was likely to have been built in 1879, the same year Kelly obtained his first mortgage on the land from a Mr Russell.<sup>24</sup> A meeting of the Warkworth Licensing Court presided over Kelly’s application for a licence for the new hotel in June 1879, and was recounted by the *New Zealand Herald* with the following:

‘Constable Moar, of the North Shore, lodged a complaint, which was forwarded through the Inspector of Police at Auckland, against the granting of the licence to Mr. Thomas Kelly’s hotel, at the Wade. The protest was supported by the District Constable Munro, and after some consultation the Bench decided not to renew the licence. A new application for a licence was then considered by the Commissioners from Mr. Thomas Kelly, the applicant whose licence was refused, for a hotel at the junction of the Wade, Wainui, and other central points of this portion of the Wade, so as to meet the convenience of travellers and the general public. Plans of the proposed building were laid before the Court; and after the application had been carefully considered, the Commissioners granted a licence, provided the terms of the specifications were complied with, and the hotel ready for occupation at a fixed time.’<sup>25</sup>

Construction of the hotel commenced soon afterwards and by September 1879 Kelly stated to the Mahurangi Licensing Court ‘that the contractor would have the building [being the Junction Hotel] finished according to the contract time.’<sup>26</sup>

While scant details are known regarding the form of the building, an application to renew the hotel licence, dated 1882, provides some clues, stating: ‘I, Thomas Kelly, of the Junction Hotel, Wade, do hereby give notice that I desire to obtain ... a publican’s licence for a house situate at the Wade, containing ten rooms, exclusive of those required for the use of the family.’<sup>27</sup> Kelly continued to manage the hotel until 1884 when an application

<sup>19</sup> Deeds Register 20D/828, BAJZ A1660 23641 691/a, Archives New Zealand.

<sup>20</sup> Ibid.

<sup>21</sup> Deeds Register 27D/94, BAJZ A1660 23641 699/a, Archives New Zealand.

<sup>22</sup> Deeds Register 27D/795, BAJZ A1660 23641 699/a, Archives New Zealand.

<sup>23</sup> Ibid.

<sup>24</sup> Deeds Index 16A/505, Archives New Zealand. Note: Thomas Kelly acquired several further mortgages on Pt Allotment 7 in 1880, 1881, 1883, and 1884.

<sup>25</sup> *New Zealand Herald*, 11 June 1879, p.6.

<sup>26</sup> *New Zealand Herald*, 5 September 1879, p.6.

<sup>27</sup> *Auckland Star*, 10 May 1882, p.3.

was lodged to transfer the licence to a James Griffiths.<sup>28</sup> The Junction Hotel operated from its original site until 1885 when it caught fire and was completely destroyed. Thomas Griffiths occupied the building at the time of the incident and the *Auckland Star* reported: The Junction Hotel, destroyed by fire on Monday night ... was a wooden building, and contained eleven rooms. Mr. Watson, of the North Shore, held a mortgage of £350 on the property ...'.<sup>29</sup> The land was put up for sale by order of the mortgagees in May that same year and the auction advertisement gives some description of the former hotel:

'John Reid & Co., have received instructions from the representative mortgagees to sell by public auction ... all that piece or parcel of land, situate in the Parish of Okura, and being part of Allotment No. 7, containing 140 acres, the property of Thomas Kelly. The Junction Hotel, which stood upon this land, was destroyed by fire a few days ago, and the purchaser of the freehold will have no difficulty in obtaining a license to a new building, if erected. A portion of the land is fenced and laid down in grass.'<sup>30</sup> (see Figure 8).

Brassey and Francesco<sup>31</sup> report that the fire may have been arson, with Thomas Kelly 'no stranger to the law:

Over the years he was charged with or convicted of a number of offences, ranging from cruelty to animals to electoral fraud (*New Zealand Herald* 14 May 1884:3; *Otago Daily Times* 6 January 1887:2). Thomas Kelly, his brother Maurice Jr and their associates were known locally and by the media as the 'Kelly gang' (see Grover 2013:156 for a photograph of the group). They made headlines in 1881 for their involvement in the infamous Wade alcohol smuggling case. Thomas Kelly's brother, Maurice Jr, was also charged with the arson of his own hotel (the Wade) on 18 July 1880 (*Thames Star* 19 July 1880:2; *New Zealand Herald* 22 September 1881: 5).

A secondary portion of Allotment 7, containing 141 acres, was also advertised for sale at the same time, having been conveyed to Thomas Kelly by his father on 8 February 1881 (see Figure 8).<sup>32</sup> The vacant block of land was situated within the north-eastern part of the original allotment and was later transferred to Thomas' wife, Rebecca Kelly, in August 1882.<sup>33</sup>

The two tracts of Allotment 7 were subsequently purchased by Bell in 1885, who sold the land on which the Junction Hotel was sited to Casey in September that same year, and retained the second 141 acres until 1888 when it was transferred to Poynton.<sup>34</sup>

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<sup>28</sup> *New Zealand Herald*, 26 August 1884, p.8.

<sup>29</sup> *Auckland Star*, 5 May 1885, p.2; *Auckland Star*, 6 May 1885, p.2.

<sup>30</sup> *New Zealand Herald*, 27 May 1885, p.8.

<sup>31</sup> R. Brassey and C. Francesco, 2019, p.13.

<sup>32</sup> *Ibid*; Deeds Index 14A/247, Archives New Zealand.

<sup>33</sup> Deeds Index 14A/247, Archives New Zealand.

<sup>34</sup> Deeds Indexes 14A/247 & 16A/505, Archives New Zealand.

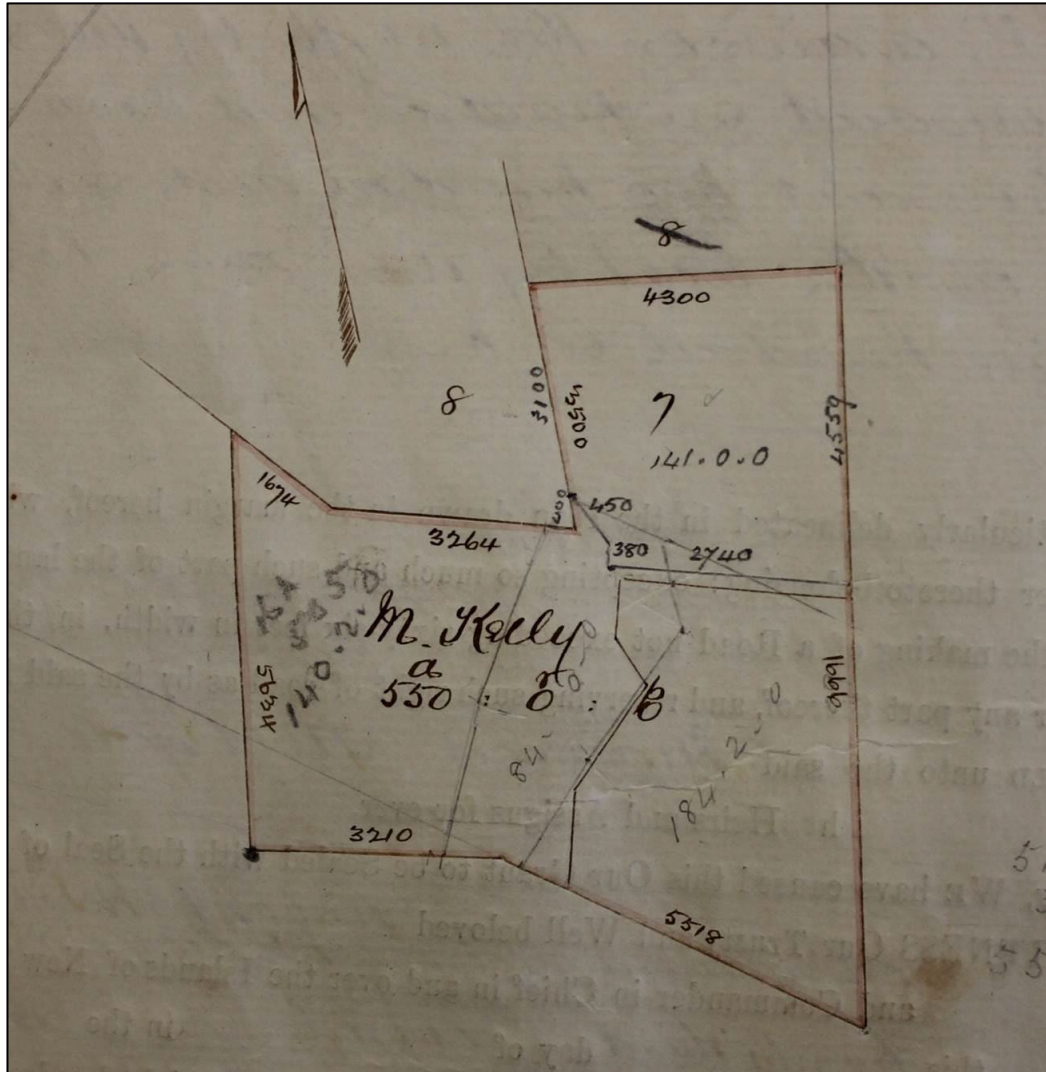


Figure 6 Sketch plan, dated 1855, showing the boundaries of Allotment 7, Parish of Okura (source: Crown Grant 1G/3377, BAJZ A1660 23663 955/a, Archives New Zealand)



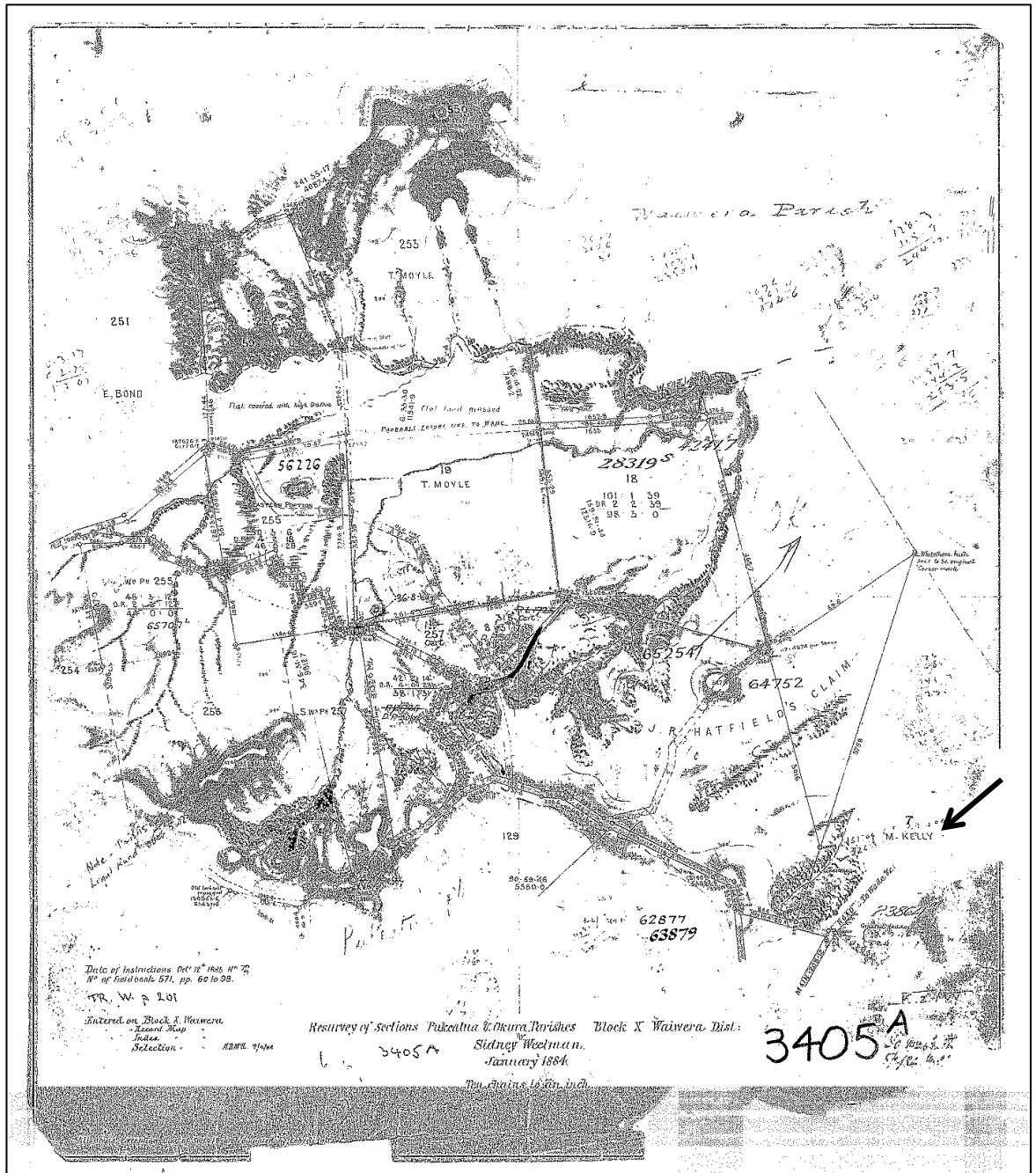


Figure 7 SO 3405A, dated January 1884, showing M. Kelly's land within Allotment 7, partly described as 'grassed paddock', at lower right corner indicated by the arrow (source: Quickmap)

**FRIDAY, MAY 29.**

— — — — —

**BY ORDER OF THE MORTGAGEES,**

— — — — —

**VALUABLE IMPROVED FARMS IN  
THE PARISH OF OKURA, WADE.**

— — — — —

**JOHN REID & CO.**

Have received instructions from the respective Mortgagees to sell by public auction, at their Store, 26, Queen-street, on Friday first, the 29th inst., at twelve o'clock noon.

1. **A**LL THAT PARCEL OF LAND, situate in the Parish of Okura, and being part of Allotment No. 7, containing 140 acres, the property of Thomas Kelly. The Junction Hotel, which stood upon this land, was destroyed by fire a few days ago, and the purchaser of the freehold will have no difficulty in obtaining a license to a new building, if erected. A portion of the land is fenced and laid down in grass.
2. Also, that Parcel of Land situated in the said Parish of Okura, and being other part of Allotment No 7, containing 141 acres, the property of Mr. Thomas Kelly.

— — — — —

**The property must be sold.**

Figure 8 Newspaper advertisement, dated 1885, for the sale of Thomas Kelly's portions of Allotment 7, Parish Okura, including the site of the former Junction Hotel. (source: New Zealand Herald, 27 May 1885, p.8).

### Allotment 7 Later Land Use

Maps and plans of the subdivided Allotment 7 show that later use of the land was centred on farming activities well into the 20th and 21st centuries (Figure 9–Figure 11).

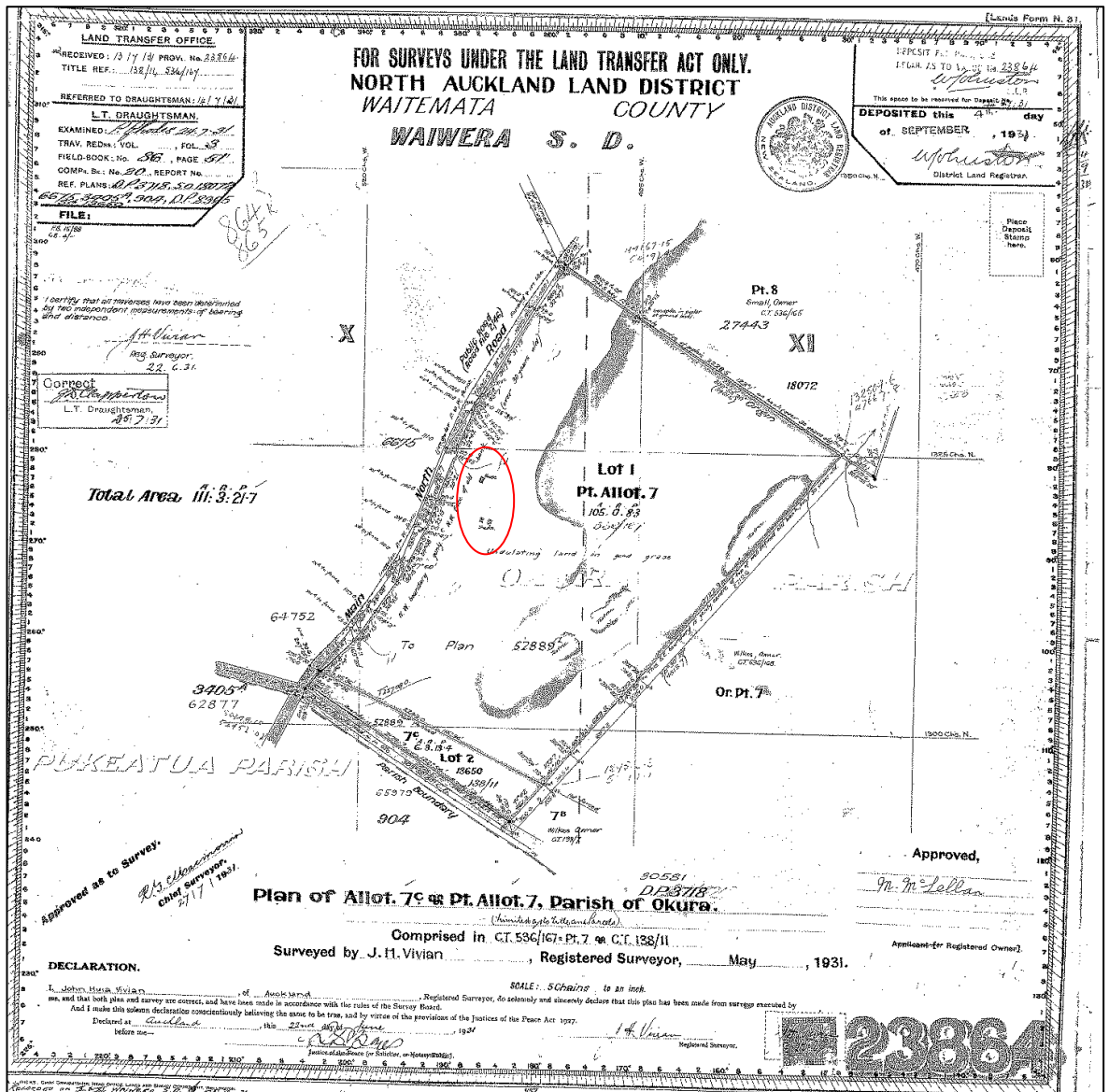


Figure 9 DP 23864, dated May 1931, showing Pt Allotment 7 which is described as ‘undulating land in good grass.’ A house and two sheds are also depicted (circled) (source: Quickmap)

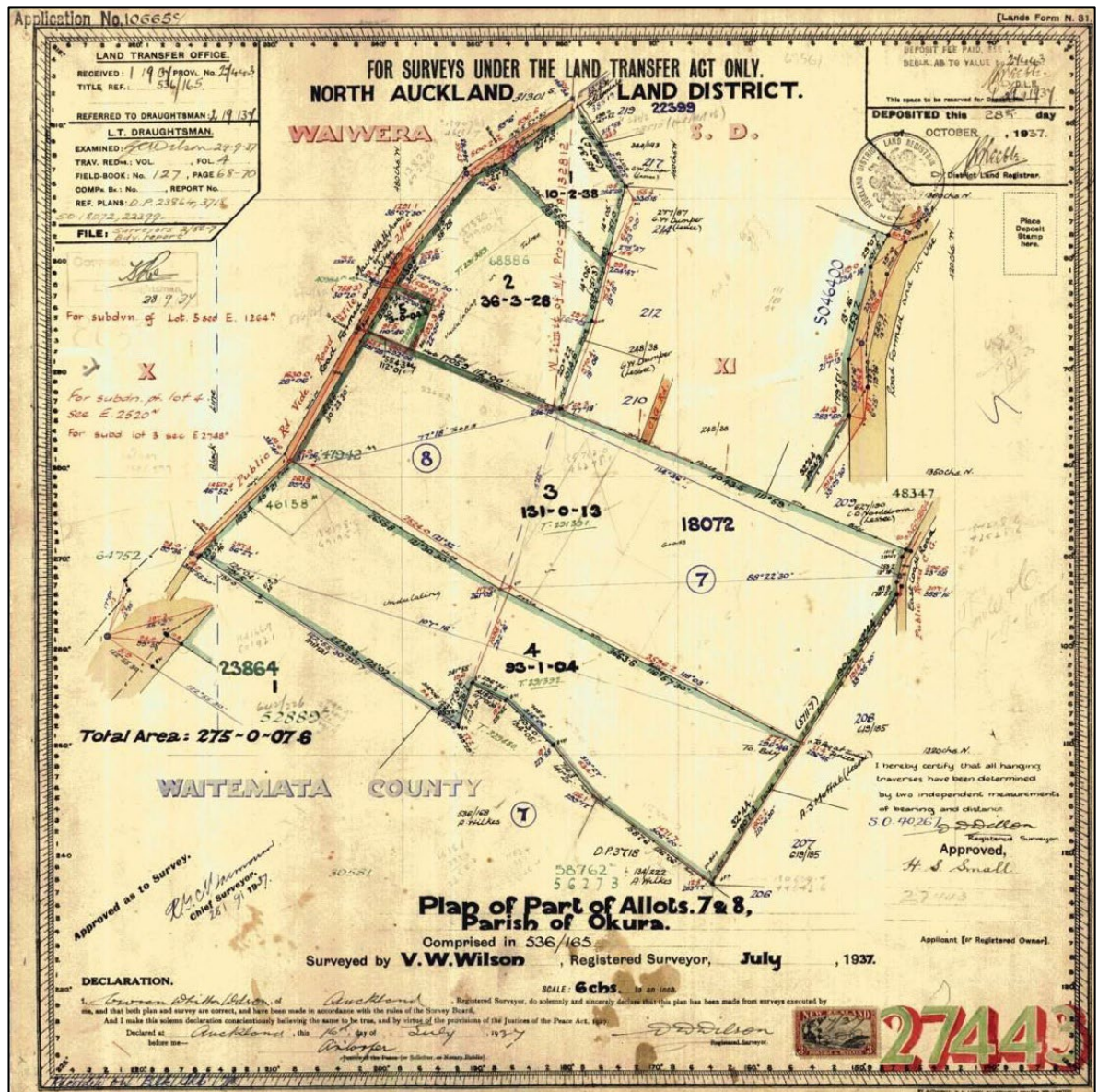


Figure 10 DP 27443, dated July 1937, showing part of Allotments 7 and 8, described as ‘undulating in grass’ (source: Quickmap).

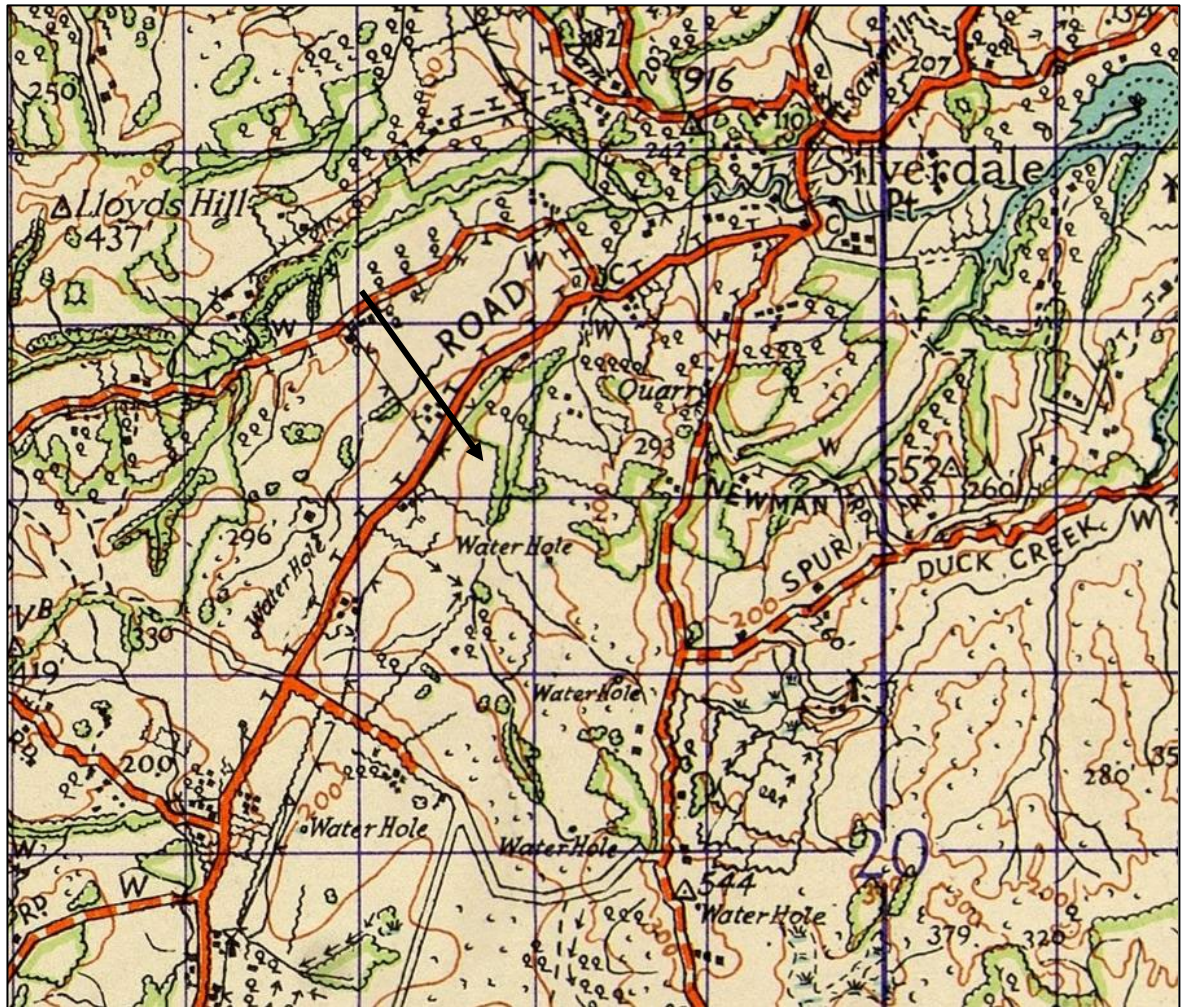


Figure 11 Close-up of Department of Lands and Survey map of Silverdale, dated 1943-4, showing waterholes, scrub, and buildings within Allotments 7 and 8, Parish of Okura (source: Silverdale – Department of Lands and Survey, 1944, AD90W1433, Archives New Zealand)

### Allotment 8 Parish of Okura

A Crown Grant for Allotment 8, Parish of Okura, was purchased by Maurice Kelly (see below) on 26 April 1854 for the sum of £186 19s (Figure 12).<sup>35</sup> The property contained a total area of 411 acres and was bounded to the north-west by Te Weiti.<sup>36</sup> An early, but undated, plan of land surveyed at Weiti Creek indicates that Kelly initially made two separate applications for the land within Allotment 8 – one for 331 acres, and the second for 80 acres. The plan notes that the land had been surveyed by the government and details a number of structures within the 80 acre portion (at the southern end of Allotment 8 and within the Plan Change area) which are labelled ‘Homestead’ (Figure 13 and Figure 14). These buildings are shown on a later plan, dated 1863, which illustrates the extent of Kelly’s claim and describes the various structures as ‘Maurice Kelly’s: dwelling house, public house, and stables’ (Figure 15 and Figure 16). The plan sites the homestead complex east of the ‘Road from Auckland’ (second Great North Road) which bisected Allotment 8, and identifies a barn and two stockyards to the west of the roadway (outside of the Plan

<sup>35</sup> Crown Grant 1G/3376, BAJZ A1660 23663 955/a, Archives New Zealand.

<sup>36</sup> Ibid.

Change area). A survey of the roads through Kelly's claim was undertaken by the surveyor Christian F.W. Blucher c.1873 and the resulting plan also shows the position of M. Kelly's houses, stables, and even a gate, on the eastern side of the main road (Figure 17).

In *Makers of the Wade*, R. Grover notes that the Kelly homestead 'lay just below the brow of a hill facing north over the land they had leased, and which Hatfield claimed. It was the southern slopes of the valley enclosing the upper reaches of the Weiti River – the Taruna, later to be known as Pine Valley. Wilks Road now follows the ridge about a kilometre south of the Kelly's house site.'<sup>37</sup> The home accommodated a large household, comprising Maurice Kelly, his wife Mary, their eight children, and a tutor.<sup>38</sup> Ancillary buildings around the Kelly house may have functioned as workers' cottages for sawyers and bush-fellers, or for farm related activities, such as a dairy.<sup>39</sup>

The 'public house', as noted on plan SO 894, was likely to have been known as the 'Sawyers' Arms', which was established by Kelly in the 1850s. Grover writes that following the acquisition of land at the Wade 'Maurice applied for a liquor licence and soon all "roads" in this part of the north led to Maurice Kelly's pub. It sat at the centre of this network like a spider in its web.'<sup>40</sup>

As one of the few homesteads (and public houses) in the Wade area from the 1850s, the Kelly farm was the scene of regular activity and events. The house was utilised as a polling station from 1853, suggesting an earlier date of construction than the Crown Grant, and was involved in a notorious incident in 1856 when the body of 20 year old Ann Fay, murdered by her partner Tinker White, was brought to the Sawyer's Arms from a neighbouring valley.<sup>41</sup> The homestead may also have played host to the annual Wade Races, a popular social and sporting event which was founded by Maurice Kelly and held on St Patrick's Day. In 1864 the New Zealand Herald reported on the races with the following:

'St. Patrick's day at the Wade has ever been kept up with great enthusiasm, in horse racing and other amusements, terminating with a ball in the large kitchen of Mr. Maurice Kelly's house. On one occasion we recollect to have seen as many as forty couple[s] upon the floor...The occasion is generally taken advantage of by the settlers and inhabitants as a public holiday, and many visitors attend from Auckland to join in the sports, and share in the open-handed hospitality dealt forth at Kellymount.'<sup>42</sup>

Maps and plans of Allotment 8 indicate that the remainder of the land around the Kelly homestead was utilised for agricultural ventures, notably as a 'dairy station', with expanses of scrub, fern, open grass, and bush.<sup>43</sup> Kelly imported and traded in horses, in particular Clydesdale Draught horses, which were kept in his stable block until sold, and also produced arable crops such as onions, white and red beet, and pumpkins.<sup>44</sup>

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<sup>37</sup> Grover 2013, p.33.

<sup>38</sup> Ibid. Five of the children were from Mary's first marriage to John Fair.

<sup>39</sup> Ibid, p.34.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid, pp.34-5 & 51; *Daily Southern Cross*, 8 July 1853, p.3; *New Zealander*, 17 May 1856, p.3.

<sup>42</sup> New

Zealand Herald, 16 March 1864, p.3.

<sup>43</sup> Grover 2013, p.33. Also see: *New Zealand Herald*, 11 March 1865, p.3.

<sup>44</sup> *New Zealander*, 5 November 1856, p.2; *New Zealand Herald*, 23 March 1867, p.5.

Subdivision of Allotment 8 was undertaken from 1874, when Kelly conveyed 240 acres (at the southern end) to his son Maurice Kelly Jnr., a farmer, in return for 10 shillings.<sup>45</sup> The parcel would have contained the Kelly homestead, stables, public house, and other ancillary buildings, and extant structures were noted by the deed of conveyance.<sup>46</sup> The remaining northern portion, comprising 171 acres, was later transferred to Kelly's daughter, Honorah, in September 1875.<sup>47</sup> The deed mentioned no buildings for this tract of land; however, SO 894 indicates that a stockyard probably existed in the north-western corner of the property at one time. Honorah retained the land until 1878 when it was sold to the trustees of a Mr Lamb.<sup>48</sup>

Maurice Kelly Jnr., leased his 240 acre portion of Allotment 8 to Casey from May 1879, and eventually sold the land to Fallowdown in 1881, marking the end of Kelly ownership of the allotment.<sup>49</sup> Remnants of the original Kelly homestead are believed to have remained on the land until at least the late 20th century. In 1959 Part Allotments 7 and 8 (including the area where Kelly's homestead complex was likely to have been sited and now 1636 Dairy Flat Highway) was purchased by John James Woolley, a farmer, and photographs of Woolley's house, dated 1972, are believed to show part of the Kelly house, albeit heavily modified (Figure 18 and Figure 19).<sup>50</sup> Allotment 8 remained in farmland and was primarily utilised for agricultural purposes into the 20th and 21st centuries.

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<sup>45</sup> Deeds Register 27D/329, BAJZ A1660 23641 699/a, Archives New Zealand.

<sup>46</sup> Ibid.

<sup>47</sup> Deeds Register 29D/754, BAJZ A1660 23641 701/a, Archives New Zealand.

<sup>48</sup> Deeds Index 15A/371, Archives New Zealand.

<sup>49</sup> Deeds Index 15A/589, Archives New Zealand.

<sup>50</sup> NA1674/44, LINZ.

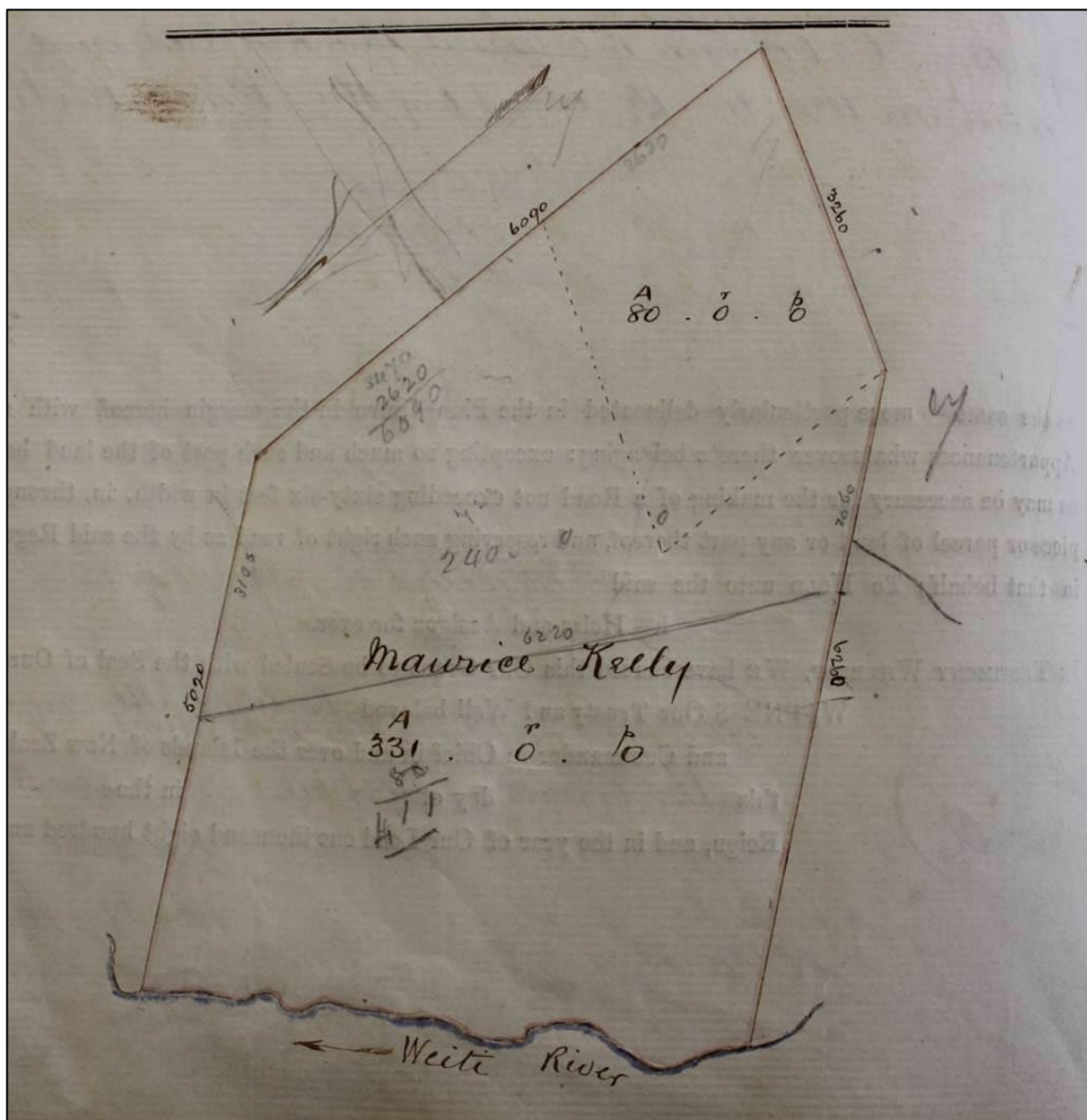


Figure 12 Sketch plan, dated 1854, showing the boundaries of Allotment 8, Parish of Okura. Note the position of north (source: Crown Grant 1G/3376, BAJZ A1660 23663 955/a, Archives New Zealand)





Figure 13 SO 971A, undated, showing land surveyed near the Weiti Creek. Maurice Kelly's Allotments 7 and 8, Parish of Okura are identified, along with their application numbers. Note the position of north (source: Quickmap)

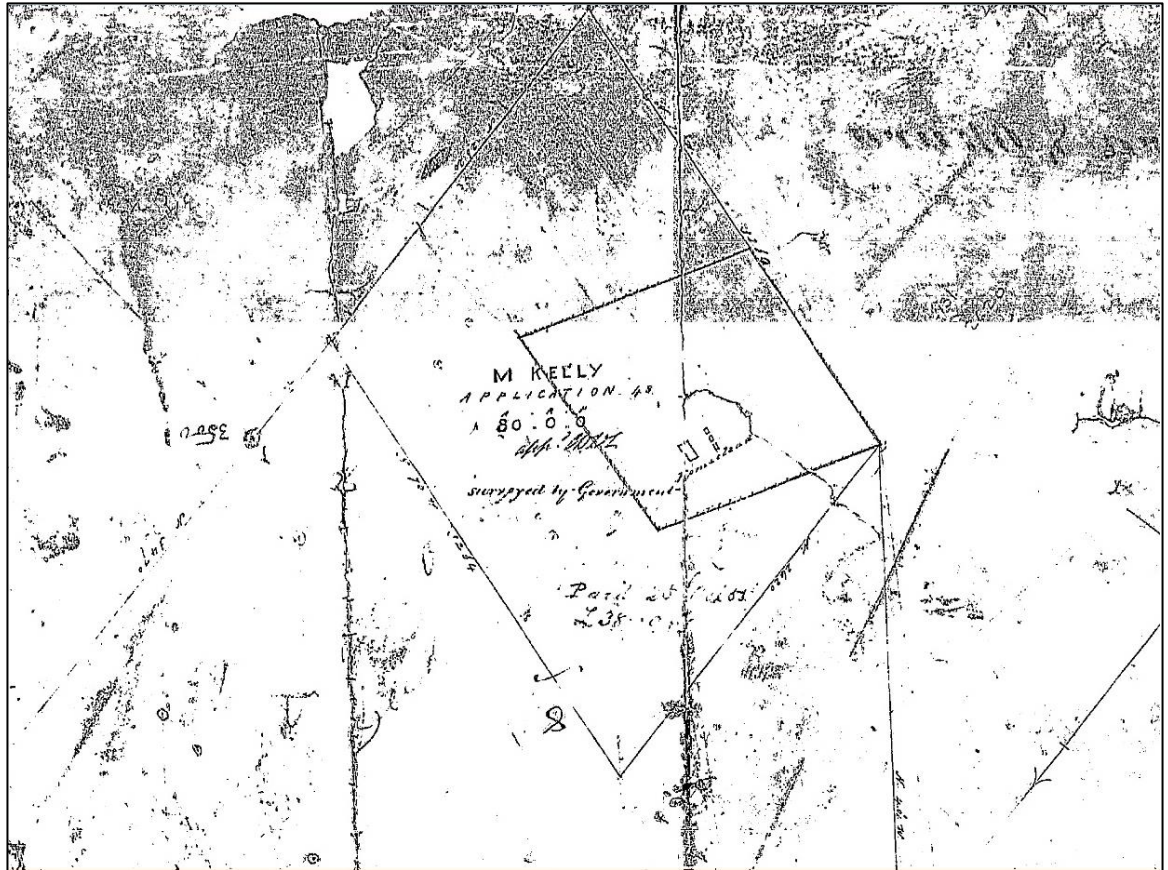


Figure 14 Close-up of SO 971A, undated, showing the outline of 80 acres within Allotment 8, with buildings labelled 'Homestead' visible (source: Quickmap)

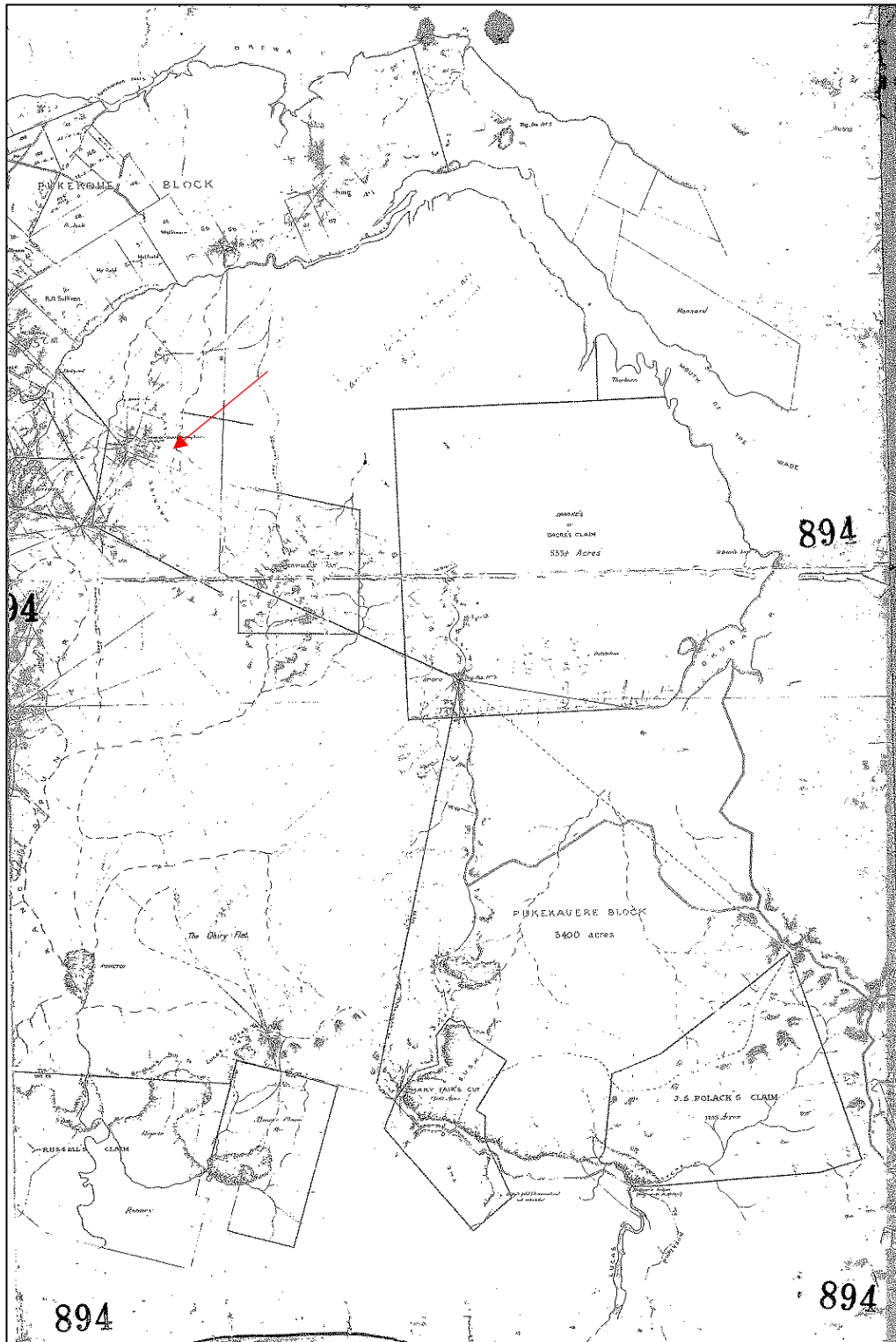


Figure 15 SO 894 (1), dated 1863, showing land claims in the Wade district, including Kelly's Allotments 7 and 8 (arrow), Parish of Okura (source: Quickmap)



Figure 16 Close-up of SO 894 (1), dated 1863, showing Maurice Kelly's claims (Allotments 7 and 8, Parish of Okura) with dwelling house, public house, stables, stockyards and a barn identified (source: Quickmap)



Figure 17 SO 118B, dated ca.1873, showing plan of roads through Kelly's Claim with Kelly's houses, stables, stockyard and a gate identified. Nb. Plan oriented south (source: Quickmap)

## Maurice Kelly<sup>51</sup>

A large portion of the Plan Change area was part of Lot 7 and Lot 8, Parish of Okura, which Maurice Kelly had purchased from the Crown Grant to these lots in 1854.

The site of Maurice Kelly's homestead, public house, stables and stockyard is recorded on Lot 8 as site R10/737, near State Highway 17 (Appendix A), at the address now identified as 1636 Dairy Flat Highway (Property 1 in Figure 3). Part of the property was conveyed to Maurice Kelly the younger in 1874 and the residue to Honorah Kelly the following year; it was not divided into smaller farms until the 20th century (see Appendix B).

Maurice Kelly (Figure 18) was an extremely colourful character who lived to the advanced age of 104. One of 14 children, he left Ireland at a young age to make his fortune abroad. As a sailor he travelled to the Americas, to Australia (around 1800) and to India. He arrived in New Zealand in the early 1830s, and was employed at Whangaroa and the Kaipara in the timber industry. This was followed by three years in Australia working in the bush. He returned to New Zealand and again worked in the timber industry, first at Paremoremo, and then in the Wade, acquiring c.2000 acres of land some of which is located within the Plan Change area (Madden 1966: 46-48, 102). Kelly built a house on his property, and felled the bush on a large scale – in 1859 it is recorded that he removed 700,042ft of timber from his station (*New Zealander* 28.1.1860).

He also entered the coastal trade, and acquired a 40 ton craft, *Four Sisters*, in 1863 to carry timber, goods and passengers to the Wade; another of his vessels was the *Alert*. He became active in local politics, serving successfully on the Provincial Council from 1859 to 1861, and is alleged to have indulged in multiple voting in the early days, registering his teams of bullocks as voters and providing disguises for his workers so that they could vote several times. He was apparently unable to sign his name until the 1850s (Madden 1966: 46-48, 102, 199).

Kelly held a Bush Licence from 1855 to 1860, and a Special Licence from 1861 to 1862 and 1865. These licences were issued for supplying liquor from his home to local farm workers, timber fellers and gumdiggers. It is possible that one of the smaller buildings on the property was used to store the alcohol and sell liquor, and an 1860s plan (SO 894) refers to his "Public [house?]". Robyn Grover (pers. comm.) recalls the name "Gumdigger's Arms" in connection with Kelly's activities although no documentation has as yet been located confirming this name.

Kelly may have stopped selling liquor from his home during 1868 as he obtained a transfer of the publican's licence from John Fisher at the Separation Hotel on or about 4 March 1868 (*Daily Southern Cross*). Kelly held the licence until 1872, when William Hastie took over (Grover, records in personal file). Kelly again held the licence for the hotel, probably from 1874 following the transfer of his farm to his son and in 1879 he applied for a Publican's Licence for an Inn or Public House, stating that he occupied a "wooden house at the Wade now my property now occupied by me and sought to be operated under the sign of the "Wade Hotel". The Separation Hotel and later Wade Hotel were located on the same piece of land along Tavern Road now occupied by the Wade Hotel. The original Wade Hotel burnt down in July 1880 (Auckland Weekly News, 24 July 1880:15) but was rebuilt (*New Zealand Herald*, 3 February 1881).

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<sup>51</sup> For a detailed account of Maurice Kelly see Cameron et al, 2015.



Figure 18 Maurice Kelly (1784-1888), reproduced from Madden 1996:37

### **The Homestead – 1636 Dairy Flat Highway (Property 1)**

Few images of the original homestead exist, and none are known of the outbuildings. The Wainui Historical Society was able to provide two images of Kelly's original house (Figure 19 and Figure 20), which no longer exists. The original floor plan of the house appears to have been square; however an additional room was built on the northern face. No additions appear to have been made to the rear or eastern face of the building, although a water tank had been installed at the north-eastern corner.



**Figure 19 Photograph taken by Cecil Wright, and dated 1972, showing the house which is thought to have contained remnants of Maurice Kelly's original homestead complex (source: F27/1603, 24.9.95, Silverdale & Districts Historical Society)**





**Figure 20 Photograph taken by Cecil Wright, and dated 1972, showing the rear (eastern and southern faces) of the house which is thought to have contained remnants of Maurice Kelly’s original homestead complex (source: 24.6.95, Silverdale & Districts Historical Society). Photo courtesy of Wainui Historical Society**

### **Allotment 16 [219], Parish of Okura**

Only a small portion of the south-western corner of Allotment 16 forms part of the Plan Change area. A Crown Grant for the allotment was purchased by Maurice Kelly (see below) on 5 May 1856.<sup>52</sup> Kelly retained the 195 acre block until September 1875 when he transferred the land to his only unmarried stepdaughter, Margaret Fair, who subdivided just over 55 acres in 1877 (conveyed to McKeown) and held the title to the residue until her death in 1883.<sup>53</sup> The property was eventually conveyed to Bond by the Public Trustee in 1887 and was largely used as farmland throughout the late 19th and early 20th centuries.<sup>54</sup>

In 1916 a 13 acre portion of the south-western area of Allotment 16 was conveyed to the Crown for roading purposes. Allotment 219, comprising 10 acres 3 roods and 19 perches, was formed from the residue and a survey plan of the new allotment, dated 1923, describes the land as ‘easy country in scrub.’ (Figure 21).<sup>55</sup> The section was likely used as farmland and remains vacant to the present day.

<sup>52</sup> Deeds Index 1B/504, Archives New Zealand.

<sup>53</sup> Ibid; Grover 2013, pp.131 & 172.

<sup>54</sup> Deeds Index 1B/504, Archives New Zealand.

<sup>55</sup> Deeds Index 2B/121, Archives New Zealand.

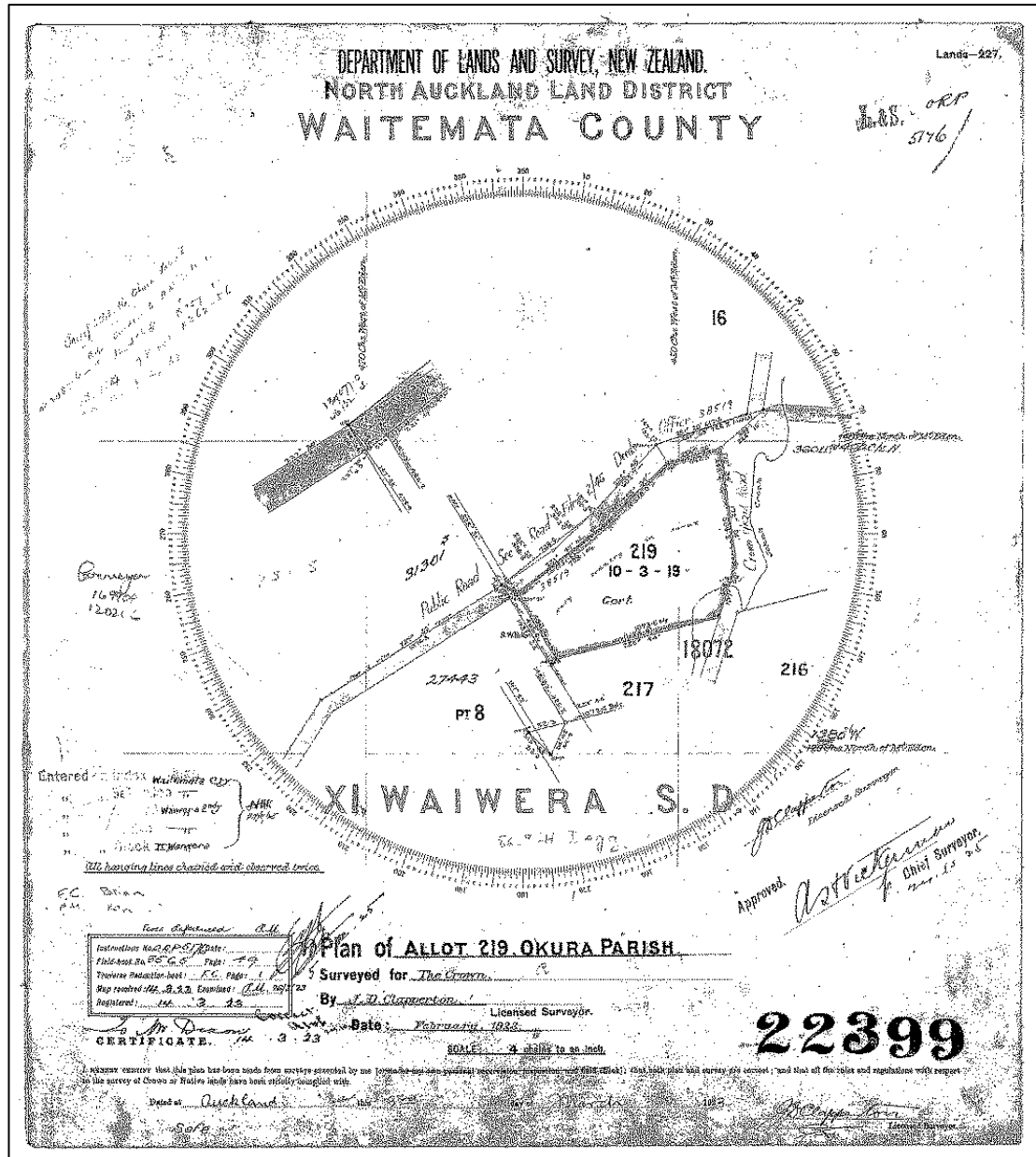


Figure 21 SO 22399, dated February 1923, showing the boundaries of Allotment 219, Parish of Okura (source: Quickmap)

### Allotment 37 [210, 212, 214, 217], Parish of Okura

Few details are known regarding the early history of Allotment 37; however, it is thought likely that the land passed into Crown ownership sometime after the settlement of the Mahurangi Purchase. Following the passing of the Kauri-Gum Industry Act, 1898 the section became part of the Wade Kauri Gum Reserve, which extended across 560 acres of the Okura Parish (Figure 22).<sup>56</sup> The act stipulated:

‘With respect to kauri-gum reserves the following provisions shall apply – (1.) Each reserve shall be situate in the neighbourhood of a village, special, or other settlement, the name or description whereof shall be specified in the Order in Council creating the reserve. (2.) Each reserve shall be available exclusively for gum-digging, and no person shall be entitled to dig for kauri-gum thereon unless – (a.) He is either a member of the settlement specified in the

<sup>56</sup> Appendices to the Journals of the House of Representatives (AJHR), 1907, C-12c, p.4.

Order in Council creating the reserve or a native of the Maori race residing in the vicinity of such settlement; nor unless (b.) he is the holder of a special or ordinary license which on its face is expressed to extend to such reserve.’<sup>57</sup>

Gum-digging, a derivative of the kauri timber trade, was a prevalent occupation throughout the Wade in the 19th century and contributed significantly to the local economy. By 1866 there were around 200 diggers in the district and Grover notes that early gum prospectors found ‘plenty of unclaimed land [in the Wade area] on which they could dig, erecting a tent or rough shanty, extracting what gum they could find from the vicinity and moving on.’<sup>58</sup> The introduction of the Kauri-Gum Industry Act in 1898 attempted to regulate the trade by setting aside Crown lands (such as Allotment 37) as areas in which licensed persons could operate.

The Wade Kauri Gum Reserve came under the restrictions of the Act for more than a decade, although by the 1910s the yield from the land was in decline. In a letter from the District Surveyor, dated 26 January 1914, it was stated that as the ‘land has been dug and re-dug it may be looked upon as practically worked out’, and a commissioner’s report on Kauri Gum Reserves in the Auckland Land District, that same year, recommended the removal of reservation status from the Wade Kauri Gum area (Figure 23).<sup>59</sup>

The land was subsequently subdivided and a survey plan, dated November 1914, shows the division of Allotment 37 into variously sized sections, including numbers 210, 212, 214 and 216 (portions of which are part of the Plan Change area) (Figure 24).

In July 1915 the ‘second-class land’ was advertised with the following provisions: [Sections 210 and 212] ‘capital value £70, occupation with right of purchase, half-yearly rent £1 15s, deferred payment: half-yearly instalment (not including interest), £3 10s’; [Section 214] ‘capital value £80, occupation with right of purchase, half-yearly rent £2, deferred payment: half-yearly instalment (not including interest), £4’; [Section 216] ‘capital value £90, occupation with right of purchase, half-yearly rent £2 5s, deferred payment: half-yearly instalment (not including interest), £4 10s<sup>60</sup> (Figure 25).’ Subdivision of section 216 took place in 1922 with the portion to the west of Small Road renamed Allotment 217 (part of which is incorporated into the Plan Change area) (Figure 26). The sections were likely used as farmland throughout the 20th century and were later traversed by the Northern Motorway.

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<sup>57</sup> Kauri-Gum Industry Act, 1898.

<sup>58</sup> *New Zealand Herald*, 20 October 1866, p.6; Grover, 2013, pp.177-8.

<sup>59</sup> S. Bickler and R. Clough, *Weiti Bay Development: Archaeological Assessment of Effects*. Clough & Associates report prepared for Weiti Development Limited Partnership, c/o Williams Land Limited, September 2014, p.28; AJHR, 1914, C-12, p.1545.

<sup>60</sup> Sir George Grey Special Collections, Auckland Libraries, NZ Map 5290.

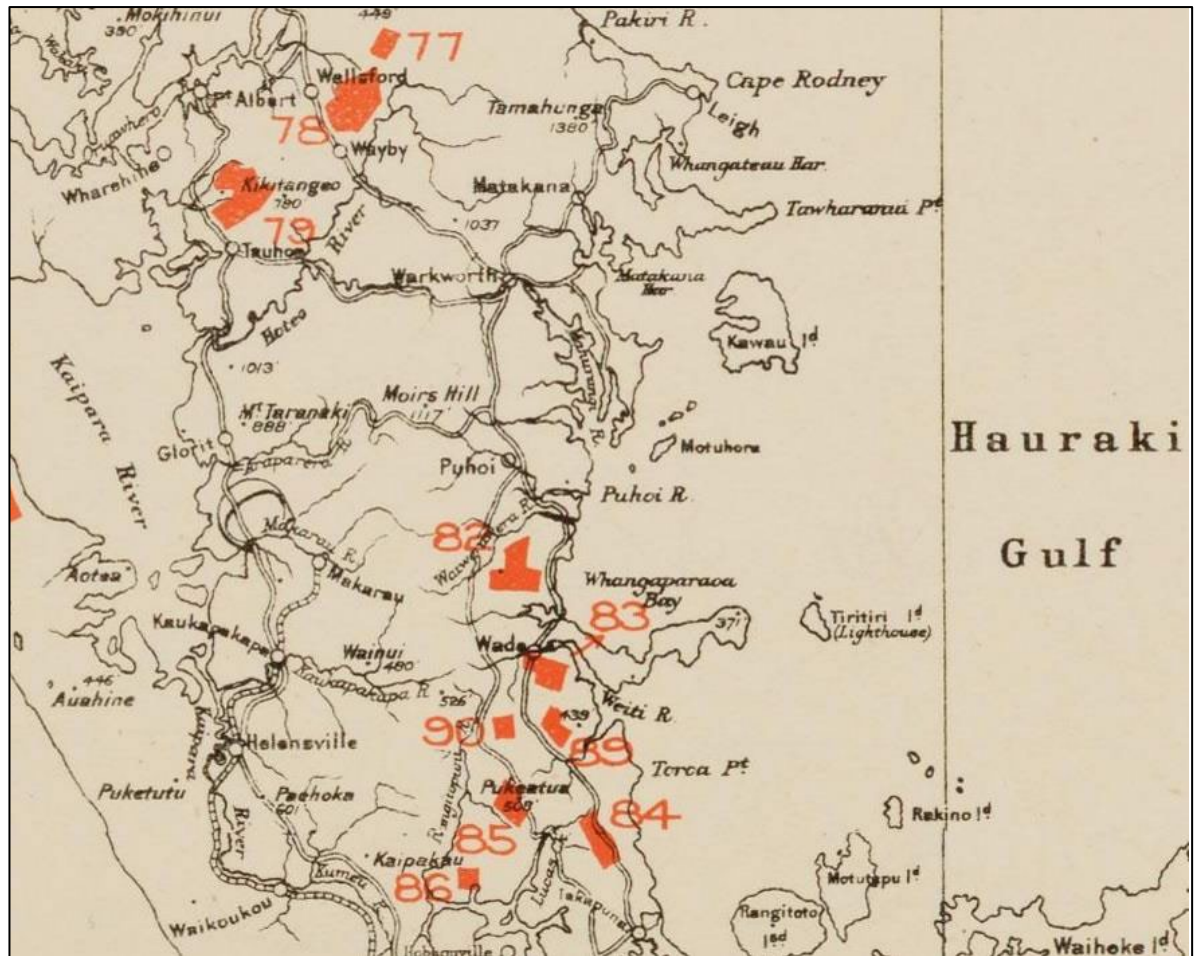


Figure 22 Close-up of map, dated 31 March 1903, showing Kauri-Gum Reserves created under the Kauri-Gum Industry Act, 1898. Allotment 37 is incorporated into the Wade Kauri-Gum Reserve, numbered 83 (source: MapColl832.11gbb 1903 47490, Alexander Turnbull Library)

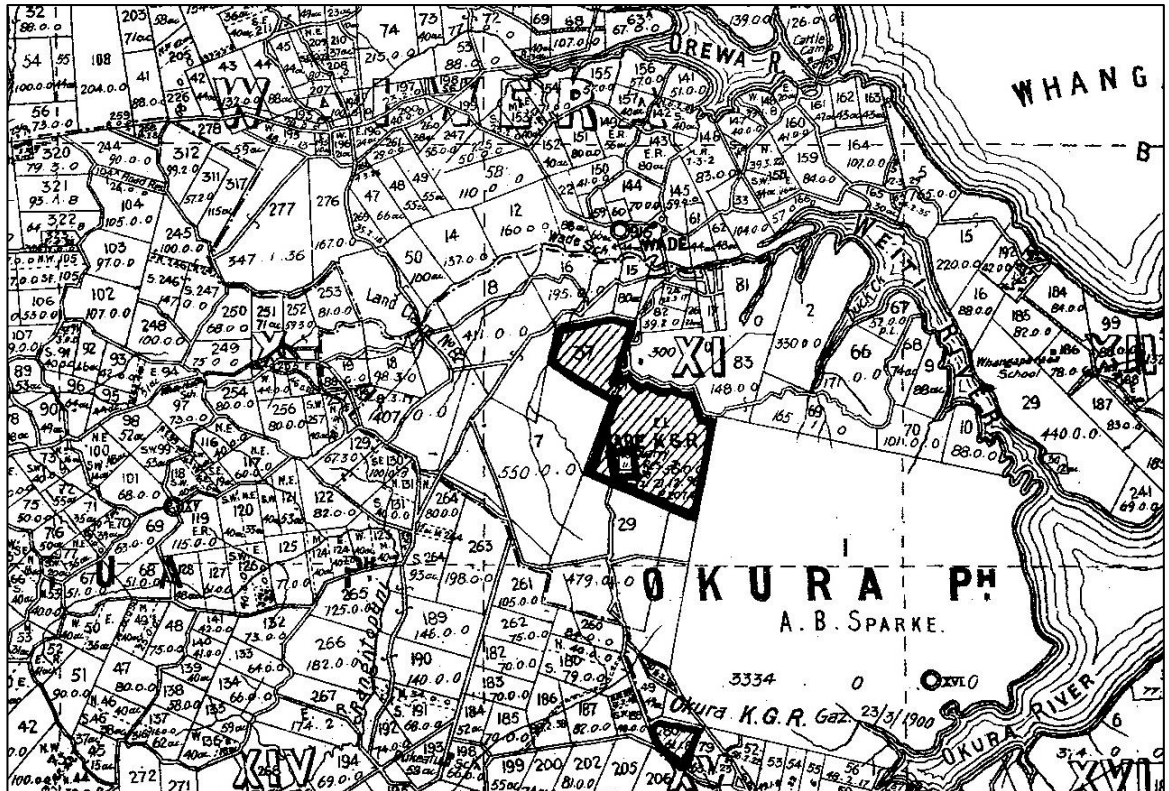


Figure 23 Close-up of map, dated 20 March 1914, showing the Wade Kauri-Gum Reserve (inclusive of Allotment 37) outlined in black. The hatching represents the recommendation by a commission to remove the reserve (source: Appendices to the Journals of the House of Representatives, 1914, C-12, p.1545)



Figure 24 Map SO 18072, dated November 1914, showing the subdivision of the Wade Kauri-Gum Reserve. Allotment 37 is now divided into several parts including Allotments 210-216 (source: Quickmap)

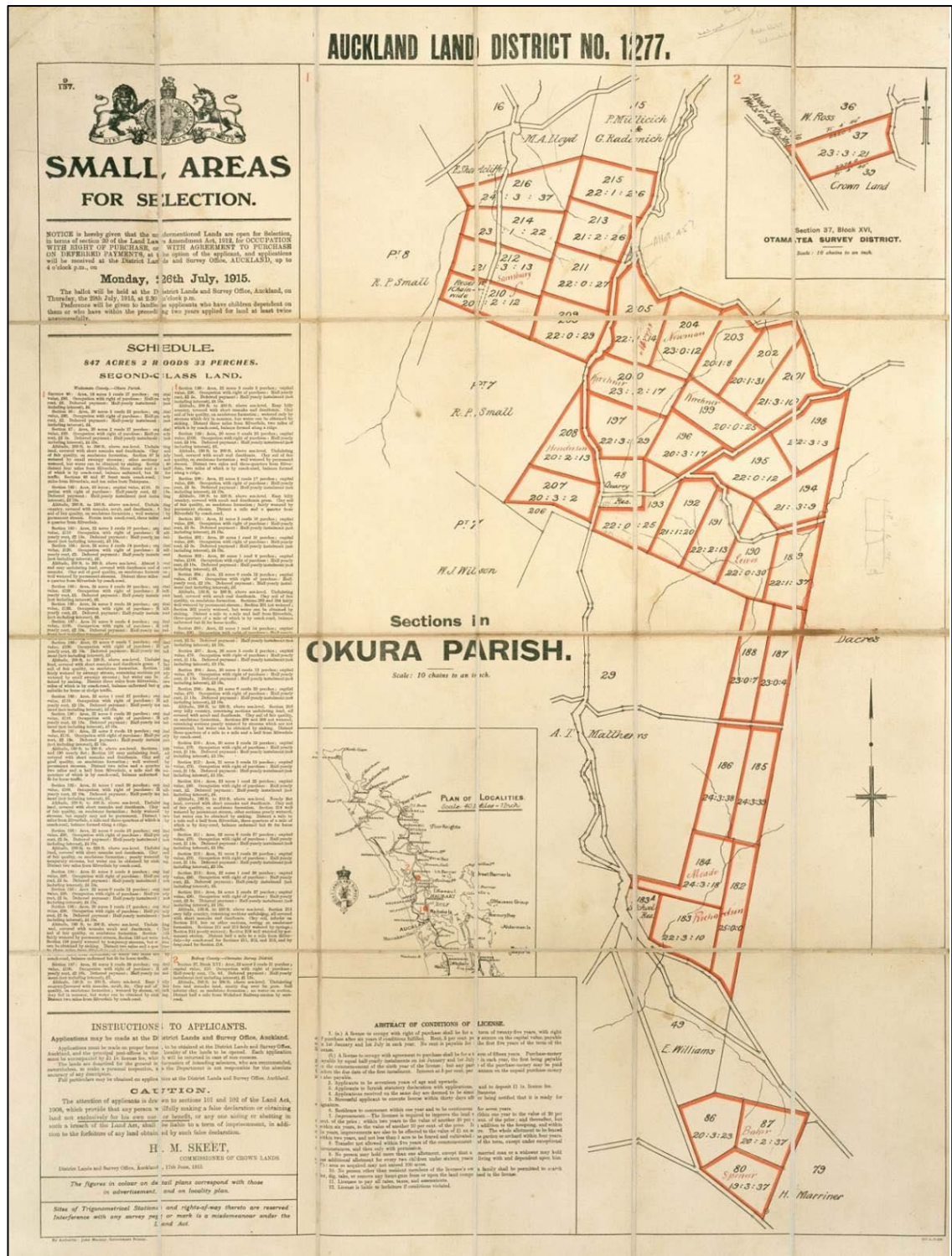


Figure 25 Map, dated 1915, showing sections subdivided from the former Wade Kauri-Gum Reserve for sale in the Okura Parish. Note sections 210-216, Pt of former Allotment 37 (source: Sir George Grey Special Collections, Auckland Libraries, NZ Map 5290)

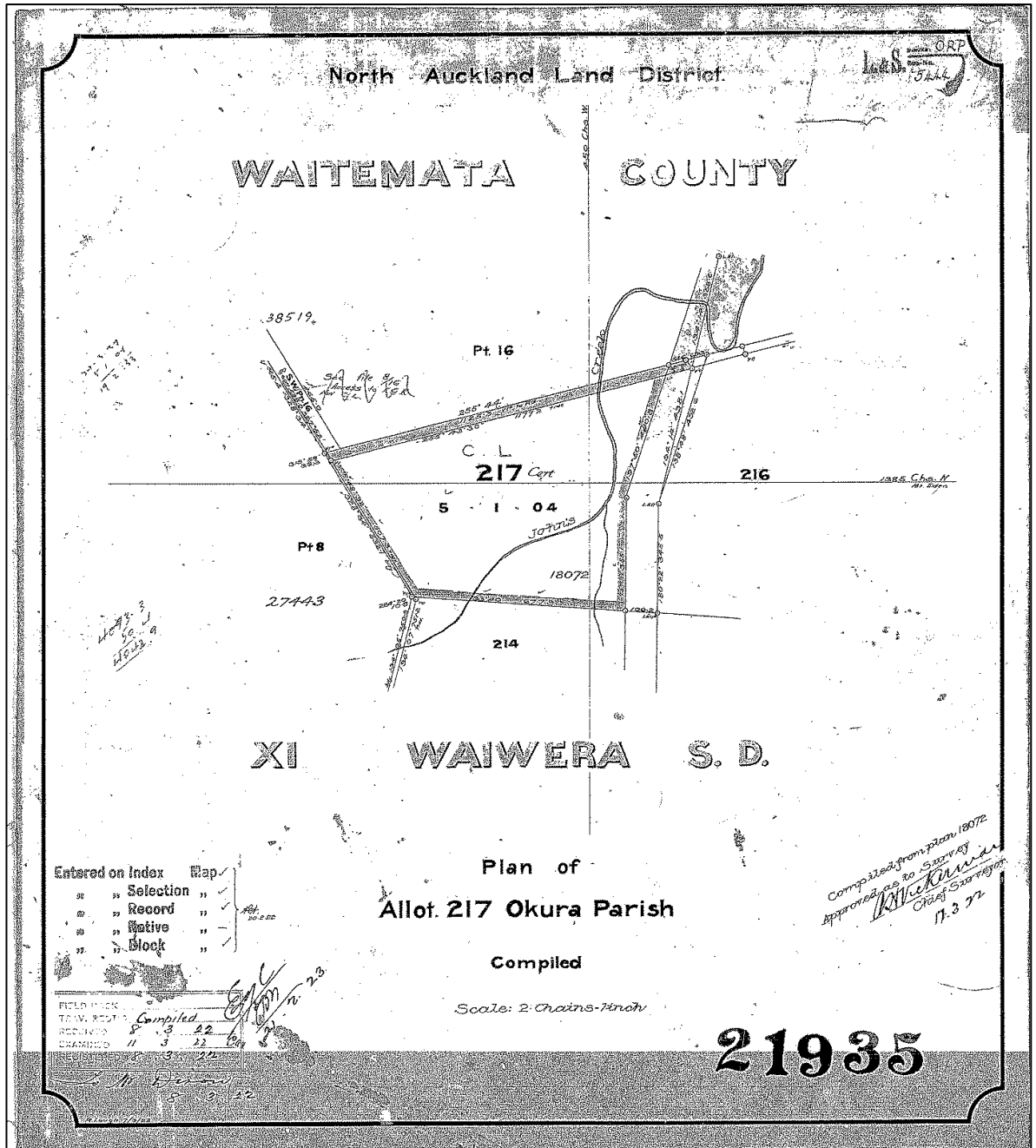


Figure 26 SO 21935, dated 1922, showing the boundaries of Allotment 217, Parish of Okura (source: Quickmap)



## ARCHAEOLOGICAL BACKGROUND

### Pre-European and Historic Period Māori Land Use

Māori archaeological site distribution in the Silverdale and wider Gulf coast area focuses on the coastline and shorelines of river estuaries. Most commonly the distribution of these sites tends not to extend beyond a kilometre inland from the coast and along navigable waterways (Brassey and Francesco 2019: 22-23). The majority of the area inland would have been undisturbed forest at the time of European contact (Brassey and Francesco 2019: 23).

Shell midden sites located along the coast and estuaries are by far the most common site type as people set up temporary encampments and associated gardens while exploiting the rich marine resources of the Gulf. Pre-European settlement Māori horticulture would have taken place on the friable soils of former sand dunes, and some alluvial deposits located in the coastal strip and along the lower courses of waterways (Brassey and Francesco 2019: 23). The heavy clay rich and poorly drained soils inland and typical of those found in the Plan Change Area would not have been attractive for Māori settlement and use, with the exception of hunting (birds) and perhaps the felling of trees for waka construction.

### Previous Archaeological Work

There have been no archaeological investigation works undertaken within the Silverdale West Plan Change Area or even in the vicinity of it. The Silverdale West Plan Change area has however, been previously archaeologically surveyed and assessed. Firstly, in 2008, it was assessed for archaeological potential (including by field survey) within a structure plan assessment (Low and Clough 2008), while more recently two properties within the Plan Change Area (1636 and 1660 Dairy Flat Highway) have been archaeologically assessed. In 2015 an archaeological assessment including a field survey of the property at 1636 (Lot 1 DP 208687) was undertaken (Cameron et al 2015) which did not identify any unrecorded archaeological sites on the property relating to either Māori or European Settlement history (Cameron et al 2015). In June 2020 during the early part of the Covid-19 pandemic, a desk based archaeological assessment was undertaken of the Lot 2 DP 74321 property at 1660 Dairy Flat Highway (Low and Clough 2020). The assessment of the 1660 property (which had previously been surveyed in 2008) did not identify any archaeological sites and concluded that the potential for unrecorded archaeology on the property was extremely low.

Maurice Kelly's original homestead (located at 1636 Dairy Flat Highway) and associated buildings were recorded as a site (R10/737) sometime in the 1990s. The site location was surveyed in 2015 as part of the structure plan assessment and the SRF was updated (Cameron et al 2015). It is likely that the current house and garden present at 1636 DFH were built over the original house site. One circular feature was observed in the centre of the driveway turnaround, but it could not be established whether this related to an early well or to some later activity. See below for further description of the site.

No evidence of pre-European occupation has been identified in the area. Terracing inspected was a mixture of natural slump events and man-made house platforms. In the Auckland Council structure plan heritage assessment for Silverdale West, Brassey & Francesco (2019) identified a potential Māori heritage site in the wider area: Te Taruna – a Māori canoe portage and overland walking route. However this route is located to the northwest of the Plan Change Area through Pine Valley, and it is not marked on archival

maps and its location within the landscape is presently unknown (and may never be known). The portage is likely to have followed a route on the south side of the Wēiti Stream, avoiding slopes and gullies as much as possible (Brassey & Francesco, 2019:14).

An attempt was made to locate a cemetery recorded in a 1934 plan immediately west of and adjoining the structure plan area in 2008, but there was no evidence that a cemetery had ever been located in the area shown.

## **Recorded Archaeological Sites**

As stated, a search of the NZAA Site Record File Database revealed that there is a single archaeological site recorded within the Plan Change Area (R10/737), the location of former buildings consisting of Kelly's dwelling house, a public house, stables and a stockyard. Description of the site as per the Site Record Form states:

Kelly and his family comprising Maurice, his wife Mary, and eight children (four from Mary's earlier marriage), and a tutor who resided with them, lived on Allotment 8. Crawford (1880:209) described Maurice Kelly as having a remarkable collection of houses, including a Roman Catholic chapel. These included the Kelly homestead, Sawyers Arms Inn, stables and associated building including around four or five other houses....Kelly's association with the property ended in 1884, but his house survived until c.1982 (see Cameron et al 2015:37). It was sited immediately northeast of the existing house that replaced it. Archival plans drawn at various different times show a large building and three or four smaller buildings in a group, with a stable further away beside the road. The small buildings are annotated as houses on one plan. It is assumed that the larger building is the inn and that one of the smaller buildings was Kelly's homestead.

There is one other archaeological site (R10/1450) that is situated in the far south-western corner of the Silverdale West area (but outside of the Plan Change Area boundaries; Figure 27; Table 1). This site is thought to be the location of the site of the Wade Junction Hotel (1879-1885). A further site (R10/1472) recorded as a Catholic cemetery is situated some 600m to the west of the Plan Change area. To the east and northeast and with the exception of a concentration of 9 archaeological sites that relate to the early European Settlement period of the Silverdale Township, most sites are situated along the coastline and shorelines of estuaries and relate to Māori occupation of the area (Figure 28).

## **Other Historic Heritage Sites**

A search of the Auckland Council Cultural Heritage Inventory established that there is one archaeological site (R10/737 = CHI no. 10787) and two historic structures within the Plan Change Area: a villa located at 1744 Dairy Flat Highway (CHI no. 22214), and a residential house located at 1732 Dairy Flat Highway that has undergone significant modifications (CHI no 22215) (Figure 29; Table 1). The record states the following for the villa CHI no. 22214:

Arthur George Sainsbury was granted a "licence to occupy" (with the right to purchase) over allotments 210 and 212 of the Parish of Okura in 1915. The land being Crown owned and recorded as being "second class land". No prior references have been identified to establish land ownership prior to 1915. Sainsbury raised a mortgage in 1922 but this is unlikely to have been for the construction of the villa as stylistically it is earlier. It is possible the villa was placed here/erected in 1915 when Sainsbury formally commenced his licence and if so, would be a late example of its type...

The house recorded as CHI no. 22215 states:

The residence is on land which was owned by the Small family. The wider site was subdivided in the c.1930s, and the house was sold to the Stoney's. Significant modifications have been made to the original residence, in particular with several additions to the building footprint.

A search of the Mana Whenua layer in the Auckland Unitary Plan showed no sites of significance in the area.

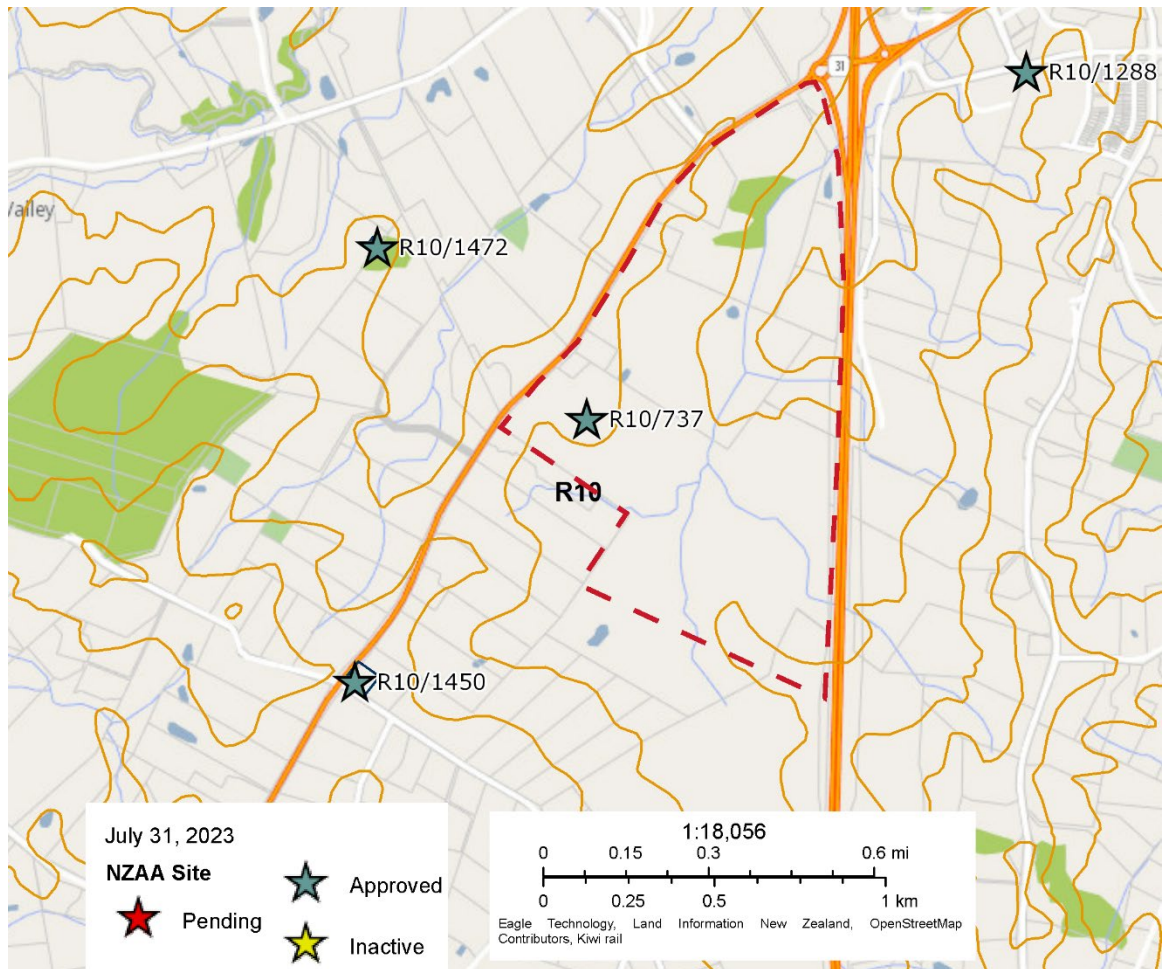
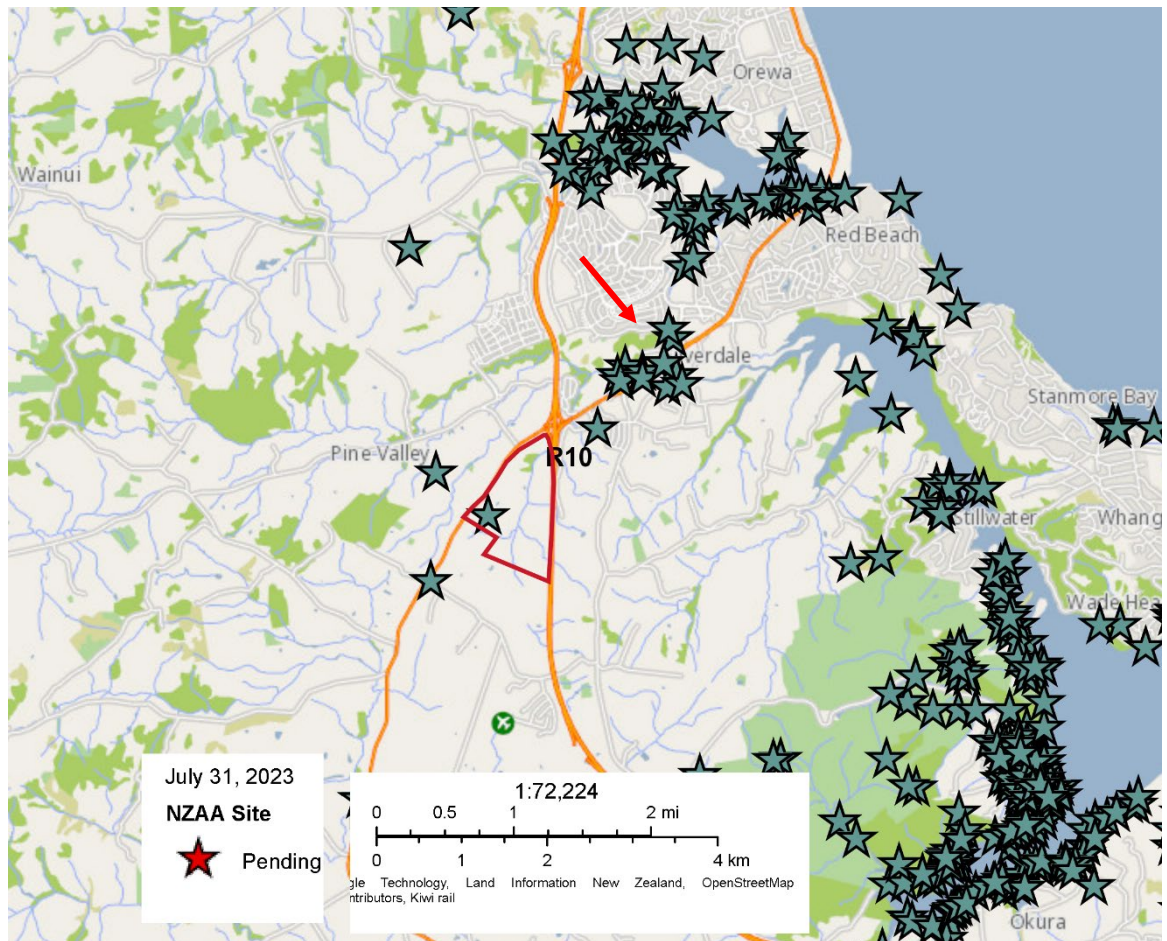


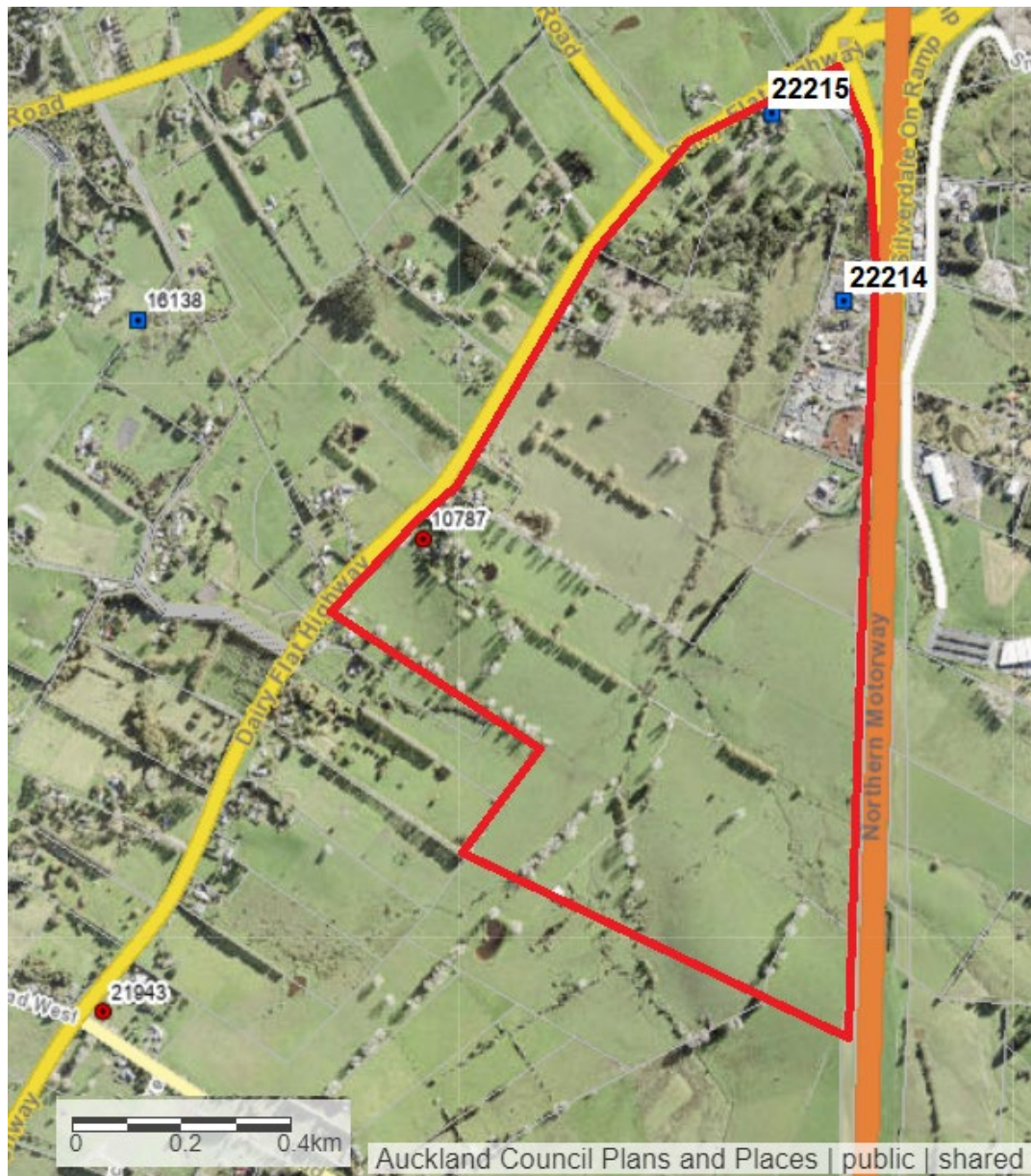
Figure 27 Archaeological site distribution map of the wider Silverdale West area with the Plan Change Area outlined (source: NZAA ArchSite database)



**Figure 28** Archaeological site distribution within the wider Silverdale / Hibiscus Coast area, with the vast majority of sites on or in close vicinity of the shoreline. N.B. the cluster of 11 sites (red arrow) situated in Silverdale to the northeast of the Plan Change area relate to early European settlement of the area

**Table 1** Archaeological and other historic heritage sites recorded on the Auckland Council Cultural Heritage Inventory within a 0.7 km radius of the Silverdale West Plan Change area. The three sites shaded at the top are located within the Silverdale West Plan Change Area.

CHI No.	NZAA No.	Site Type	Description
10787	R10/737	Historic Structures	Sawyer's Arms Inn; Kelly homestead. Kelly's corner, stables and stockyard
22214	-	Historic Structure	Villa – Arthur George Sainsburys?
22215	-	Historic Structure	Building residential - modified.
21943	R10/1450	Reported Historic Site	Site of Thomas Kelly's Wade Junction Hotel.
16138	R10/1472	Cemetery	Catholic cemetery in use from 1860 until early 1900s with surviving 19th century headstones. Located at 227 Pine Valley Road.



**Figure 29 Archaeological and other historic heritage sites recorded on the Auckland Council CHI within a c.1.2km radius of the Plan Change area (outlined in red). Red circles = archaeological sites; blue squares = historic structures; and yellow polygons = reported historic sites (source: Auckland Council CHI website)**

## HISTORICAL SURVEY

### Information from Early Plans<sup>61</sup>

Early plans showing Kelly’s land and transactions have been provided in the proceeding sections. One of this plans, Survey Ordinance plan 1118B dated 24 April 1873 shows the line of road to be passed through Kelly’s land (now State Highway 17). The enlarged section of the plan below (Figure 30) clearly depicts a number of structures, the largest again presumably being Kelly’s main house, with three smaller structures, possibly outbuildings or workers cottages. The position of the gate is marked, along with the stables, and a stockyard. The line of road crosses directly over the footprint of the stables indicating that should the road have been placed as shown on the plan, the stables would have been demolished and rebuilt elsewhere on the property. The stockyard is shown immediately to the west of the road and was in all likelihood also relocated. A tract of “high tea tree bush” can be seen.

In a letter to the Superintendent dated December 1873 Kelly agreed to “give a road through my property situated, between the Old Dairy and the Wade, but as their road will cut up my property at a considerable extent, and other people being allowed compensation for the same line of road where it passes through the Old Dairy, I would consider I should be also allowed compensation by the Government” (Robyn Grover, copy of letter in personal records). The contents of this letter are in contrast to what was stated on the Crown Grant, that Kelly was allowed acreage in return for future roading (see Appendix B). Whether Kelly received any further compensation from the Government could not be determined.

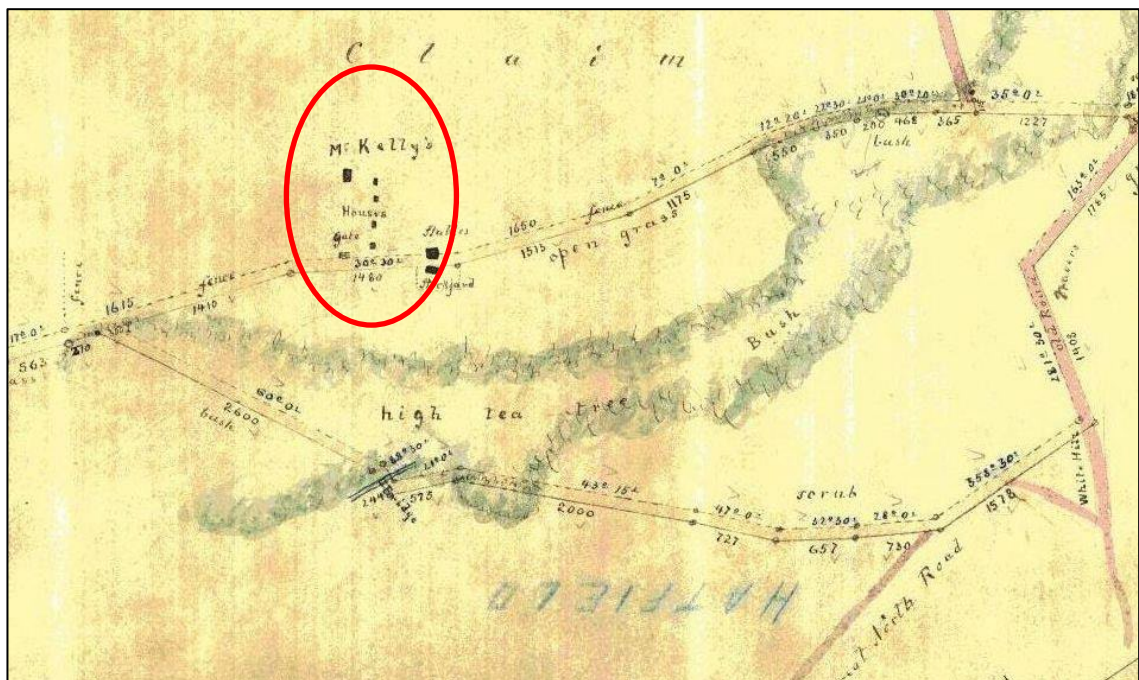


Figure 30 Enlargement of SO1118B (1873) showing houses, gate, stables and stockyard belonging to Maurice Kelly (source: LINZ)

<sup>61</sup> Primarily derived from Low and Clough 2020.

## **PHYSICAL ENVIRONMENT**

### **Topography, Vegetation and Land use**

The subject land is within the catchment of John Creek which is a tributary of the Wēiti River. The topography in the John Creek catchment is defined to the west by the Dairy Flat Highway, which follows a ridgeline and natural thoroughfare along the edge of the Dairy Flat plateau. To the south and east the catchment is defined by a low ridge along Wilks Road East.

The subject land is currently zoned rural and is occupied by a number of farms and smaller properties. This area has been farmed since the 19th century following land clearance, and was divided into smaller farms in the early 20th century.

The landscape consists of a mixture of flat land, gently sloping land and steeper gradients. Very little native bush remains and a number of European species such as poplar, pine, and eucalyptus trees are easily visible across the landscape.

### **Geology and Geomorphology**

The soil type is classified as Albic Ultic UE in the NZ soil classification (Hewitt 1993). These soils are typically strongly weathered with a thin topsoil underlain by a clay enriched sub-horizon, showing a profile of a pale coloured horizon just below the topsoil (Landcare Research website).

The geology of the Silverdale area consists of Quaternary alluvium deposited as sands, clays and conglomerates that overlay Pliocene to Miocene mudstones, siliceous claystones, calcareous siltstones and argillaceous limestones that vary in thickness from as little as 3 metres up to 150 metres (Waterhouse 1966: 155). These Pliocene and Miocene rocks overlay Waitemata Group interbedded conglomerates, sandstones, siltstones and mudstones which in turn overlay basement rocks that consist of Wainui Siltstone and Mahurangi Limestone (Waterhouse 1966: 155-156).

## FIELD ASSESSMENT

### Field Survey Results

The field survey was undertaken on 9 September by Sarah Phear and Kirstin Roth in fine sunny conditions. Ground visibility was generally good, although the fields were heavily waterlogged and boggy in places, with extensive cattle pugging present in many locations, as well as sheep and horse pugging on additional properties (see descriptions below). Calla lilies (*Zantedeschia aethiopica*) were present across many of the properties, particularly properties 2 and 1, and these plants favour wet locations for growing. Calla lilies were introduced to NZ in the 1870s as an ornamental plant, and they can be an indicator of 19<sup>th</sup> century presence in rural properties.

Table 2 lists the properties that are part of the Silverdale West Plan Change area (see also Figure 31) with a column indicating which properties were surveyed for the assessment, and their location in relation to former Allotment divisions. Note that not all properties were accessible. The majority of the property at 1636 Dairy Flat Highway and 193 Wilks Road was surveyed in 2015 as part of an earlier application, with the archaeological site only revisited in 2022. The Joyland property was also surveyed originally in 2008 and was reassessed in 2020, so it was not revisited as part of the plan change assessment. Descriptions of each property surveyed are provide below.

**Table 2 List of properties by site number and lot number, with survey dates indicated (see also Figure 30)**

Site number	Address	Lot number	Former Allotment	Survey Status
1	a. 1636 Dairy Flat Highway b. 193 Wilks Road	Lot 1 DP 208687	8 and 7	Part in 2022; 2015.
2	a. 1732 Dairy Flat Highway	Pt Lot 2 DP 68886	8	2022
3	a. DFH b. 1744 Dairy Flat Highway c. 1748 Dairy Flat Highway d. 1738 Dairy Flat Highway	Lot 2 DP 480626; Sec 9 SO 308591, Sec 10 SO 308591; Pt Allot 210 Psh Of Okura SO 18072, Sec 19 SO 308591; Lot 1 DP 480626	[37] 210, 212, 216 [16] 219	2022; 3d not accessible
4	1748A Dairy Flat Highway	Sec 1 SO 308831	7	2022
5	1700 Dairy Flat Highway Dairy Flat 0792	Pt Lot 1 DP 68886	8	Not accessible /no



Site number	Address	Lot number	Former Allotment	Survey Status
				landowner permission
7	1638 Dairy Flat Highway	Lot 1 DP 46158	8	Not accessible / no landowner permission
8	1646 Dairy Flat Highway	Lot 1 DP 74321	8	Not accessible / no landowner permission
9	1696 Dairy Flat Highway	Lot 1 DP 69561	8	Not accessible / no landowner permission
10	1660 Dairy Flat Highway	Lot 2 DP 74321	8 and 7	2008; also assessed in 2020
11	Dairy Flat Highway	Sec 6 SO 308591	[37] 214	Not accessible

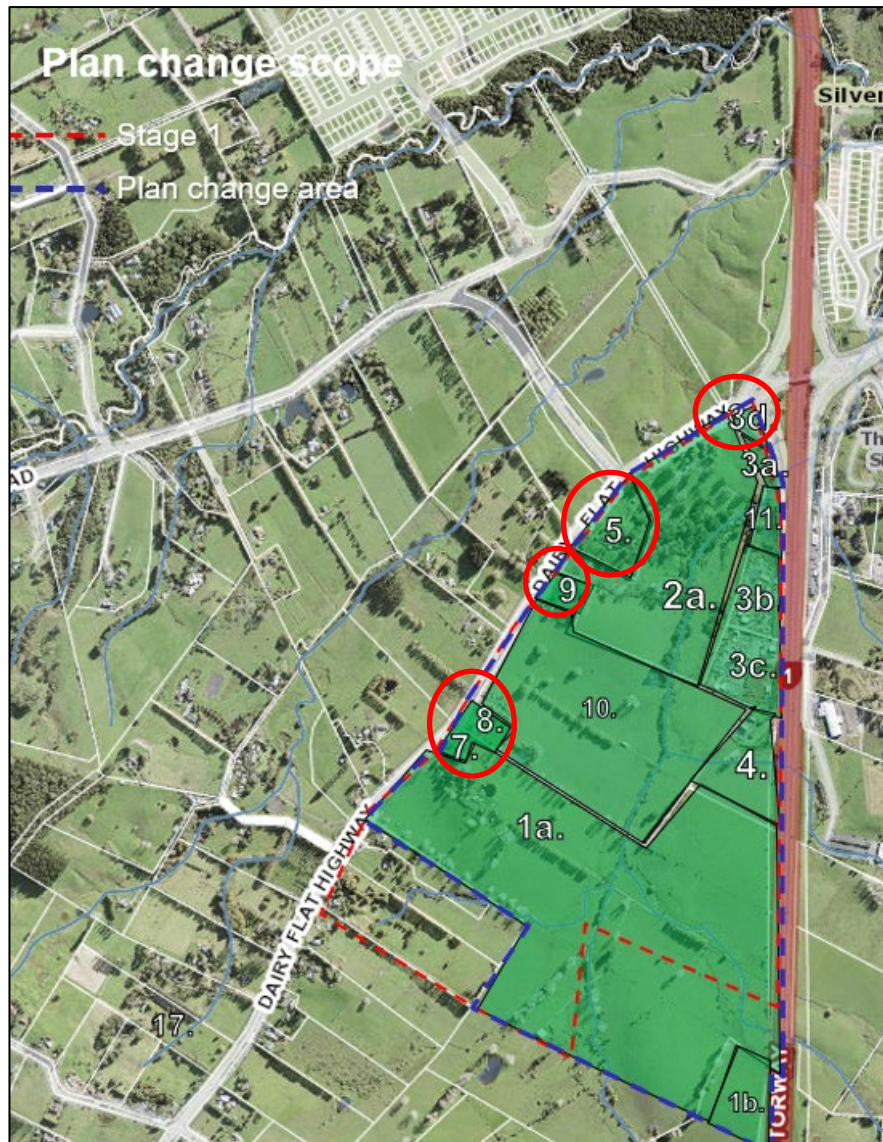


Figure 31 Properties within the Silverdale West Plan Change development area. Note the properties circled in red were not available to be surveyed at the time of the assessment

### **Property 1: 1636 Dairy Flat Highway and 193 Wilks Road; Lot 1 DP 208687**

The majority of this property as surveyed in 2015 as part of a separate project. This property includes the archaeological site R10/737, relating to Maurice Kelly. As the property had remained unchanged in use since 2015, the entire property was not walked over. Instead, the survey focused on inspecting the archaeological site to provide a condition update, and included an inspection of the immediate surrounds where recent earthworks relating to the storage ponds were visible. The description below includes the 2015 survey results and 2022 results, with some figures using comparable photographs.

#### *2015 Survey:*

This lot has an approximately 300m frontage along Dairy Flat Highway and it is in this area that the Kelly house and compound were located (see below, R10/737). The land here

is higher than the surrounding landscape which would have made it an attractive location for setting up a homestead and, in this the case, a public house as well. At the time of the survey the lot was occupied by a modern house and three farm outbuildings. The buildings were inspected, and no historic structures were identified (Figure 32 to Figure 35). The area around the buildings also contained three relatively large ponds.

The lot continues back from Dairy Flat Highway for approximately 400m before widening to the south and north and continuing eastwards ending at SH1. A farm track runs from the house and farm buildings near the highway back to the central area, which is very low lying and contains a section of Johns Creek, which the track passes over. This lot is also characterised by a number of shelterbelts planted along the edges of the pastures (Figure 36 to Figure 37). It was also noted during the survey that some of the slightly raised areas in this section had plant growth that indicated the ground had been disturbed at some point in the past. Probing was carried out, but no evidence of archaeological features or deposits was identified, and it is considered likely that these areas could have been disturbed by cattle trampling or through other agricultural activities in recent times (Figure 38 shows examples of an area of disturbed plant growth and an in use water trough).



**Figure 32. View of farm building at 1636 Dairy Flat Highway**



**Figure 33. View of garage / shed at 1636 Dairy Flat Highway**



**Figure 34. View of small outbuilding at 1636 Dairy Flat Highway**



**Figure 35. View of animal shed and pens at 1636 Dairy Flat Highway**



**Figure 36. View of northern section of Lot 1 DP 208687 looking east, left; view of farm track with shelter belt leading from central area (right)**



**Figure 37. View of Johns Creek from farm track looking north in central part of Lot 1 DP 208687**



**Figure 38. Photograph showing plant growth indicating ground disturbance (arrows), left; and right: example of water trough and impact from cattle trampling**

*R10/737 – 2015 survey*

As mentioned above this site is located at 1636 Dairy Flat Highway with site coordinates given as E1747905 N5944379 on the NZAA site record (see appendix). A previous visual and probe survey identified a possible well and also noted that the original Kelly homestead, which survived at least partially intact into the mid-20th century, had been replaced by a newer house and a landscaped garden. The area in what was thought to have been the backyard of the original dwelling house was extensively probed but no subsurface anomalies were identified (Low and Clough 2008: 16).

During the 2015 survey the paddock to south of where the original homestead was located was visually inspected and 19th century material was identified on the ground surface. The glass and ceramic material was broken into small pieces, but examples from alcohol bottles and transferware and other styles typical of 19th century ceramics were found along with a corroded metal object, possibly a hinge or latch. These were found in areas exposed by tree root growth and also by heavy cattle pugging of the soil when it had been wet (it was estimated that around the top 10-20cm was affected by the animal activity). At the time of

the survey the ground was very dry and hard and probing could not be undertaken effectively. Photographs showing the area can be found in Figure 39 and examples of ceramic and metal objects in Figure 40.

A slightly raised area was noted approximately 100m to the south of the new house location, situated just by the fence on Dairy Flat Highway, which when investigated was found to contain broken pieces of glass, thought to be from alcohol bottles and typical of the 19th century. The area had been exposed by animal activity although it was much less disturbed than the area around the new house. Photographs are shown Figure 41. The coordinates of the mound were taken by Handheld GPS (E1747694 N5944403±3m). From available information it would seem likely that this could represent a rubbish dumping area for the homestead and public house and should be included as part of R10/737. Figure 43 shows the general locations of the surface finds during the survey.

The concrete blocks first identified during the 1992 recording of the site were relocated and still found to be situated around the turning circle. The origin of the blocks could not be determined from visual inspection.



**Figure 39. Photographs from 1636 Dairy Flat Highway in 2015 and 2022. Top: showing area between new house and Dairy Flat Highway; middle: showing the backyard area of the new house; and bottom: showing the turning circle where the possible well was located in the 2015 survey**



Figure 40. Example of corroded iron object (left) and possible 19th century ceramic sherd (right)

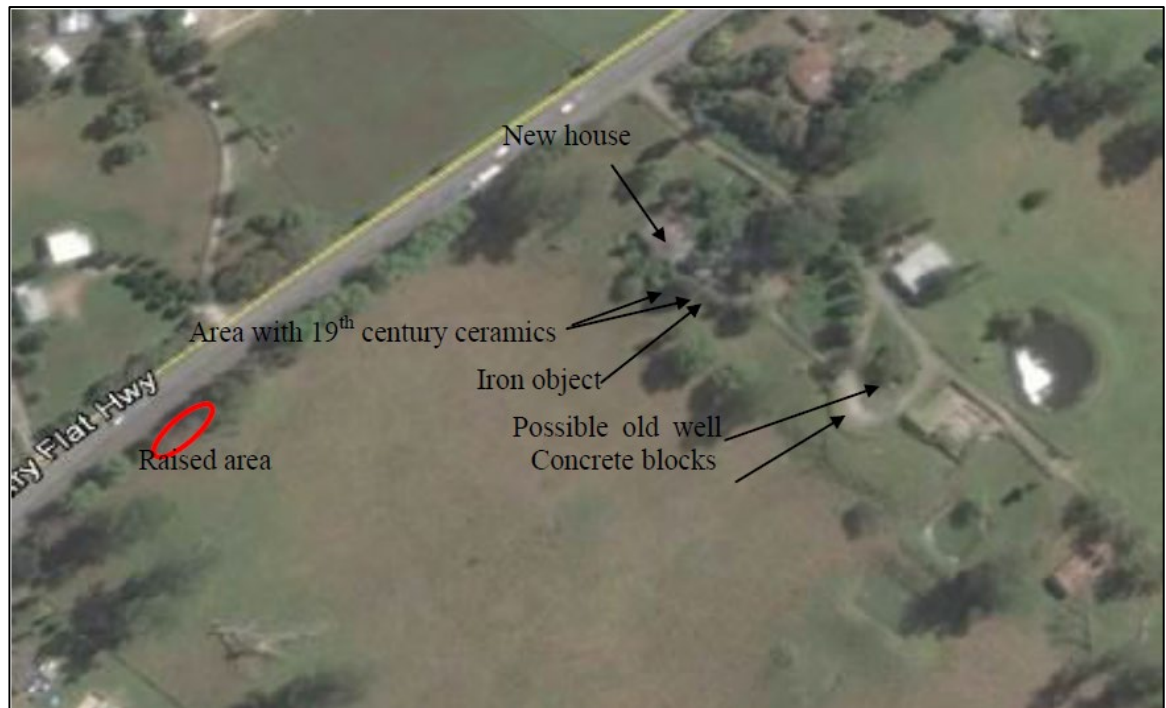


Figure 41. Raised mounded area indicated by the left arrow, and new house by the arrow on the right



Figure 42. Mounded area in 2015 where 19<sup>th</sup> century glass was exposed on the left, and mounded area in 2022 obscured by a felled tree. Heavy cattle pugging evident in the waterlogged soils





**Figure 43. Locations of surface finds at 1636 Dairy Flat Highway; red circle indicates the raised area described in the text and black arrows pointing to other locations (source: of aerial photograph Google Earth)**

#### *R10/737 – 2022 survey*

The 2022 survey focused on resurveying R10/737 to establish any changes in condition of the site. There has been some deterioration of the site though cattle pugging on heavily waterlogged soils. The raised/mound area mentioned above had been affected by this, as seen in Figure 42 above. Two pieces of 19<sup>th</sup> century bottle glass were observed on the mound, consistent with observations from 2015. The area where the metal and ceramic objects were located (see Figure 43) had been affected more severely, with remnant soil mounds only present due to heavy pugging (Figure 44). One interesting new feature was what appeared to be a 19<sup>th</sup> century champagne bottle base within a fallen tree trunk located in the paddock just north of the new house ( Figure 45). The bottle must have been placed in the tree when the tree was smaller, and the trunk has grown around it.

The possible well location was also inspected and overall the area remains the same (Figure 39, bottom left), as do the concrete blocks (Figure 46).

Some recent earthworks have occurred around the ponds to the south and east of the possible well location, most likely to facilitate drainage. The topsoil had been stripped from an access track and the pond bunds cut through. The soils were of dark brown and heavily waterlogged, with some gleyed clay visible beneath indicating poor drainage. No archaeological features of layers were observed (Figure 47 to Figure 49).

Overall, the archaeological site R10/737 has been adversely affected by cattle pugging in the waterlogged soils, although the full extent of the site that remains subsurface is not known.



**Figure 44. Severe cattle pugging in waterlogged soils in the area to the west of the new house where metal and ceramic artefacts were observed in 2015**



**Figure 45. Location of the fallen tree with the champagne bottle set within the trunk**



**Figure 46. Concrete blocks of unknown provenance**



**Figure 47. Cut access track to the southeast of the shed shown in Figure 3. Redeposited grey clay visible in foreground and dark topsoil spoil**



**Figure 48. Cut access track with dark brown waterlogged topsoil spoil visible**



**Figure 49. Earthworks at second pond to the west of the possible well location**

**Property 2b: 1732 Dairy Flat Highway; Pt Lot 2 DP 68886**

This property consisted of the most variable topography and land use, including horse and stabling activities, an informal motocross track, and paddocks as well as areas overgrown with gorse and other weed species (Figure 31; Table 2). The property generally slopes from Dairy Flat Highway down to John Creek which approximately bisects the property from north to south, with two small streams running to the creek, and many macrocarpa shelter belts (Figure 50). The eastern boundary is formed predominantly by Property 3 which consists of light industrial yards.

One heritage feature had previously been recorded on the property, as noted in the background above – a historic structure (CHI no. 22215; Figure 50). The exterior of the building was observed only, and it does not appear to have any discerning 19<sup>th</sup> century features (Figure 51). As noted on the CHI record it has had many modifications, observed to the east and rear of the main structure (Figure 52). In the surrounding gardens a Norfolk pine and eucalypt tree were observed (Figure 53). Modern stables and storage areas were located to the southwest of the historic house (Figure 54).

Located immediately adjacent to the stream on the west boundary were a row of nine remnant posts demarcating a former fence line. The posts were irregular in shape, appeared to be of hard wood (likely kauri) and are consistent with 19<sup>th</sup> century fenceposts (Figure 50; Figure 55). An additional large corner post was located next to a concrete bridge over the stream (Figure 56). Two stays have been set within notches on the post, and they may also be original. This modern crossing is likely sited on an older ford to which the large fence post is related (Figure 57). Land to the east of the stream had been modified for use as a dirt track, bonfires, a pond, and piles of clay partially covered in kikuyu and other activities with many weed species visible (Figure 58). Vegetation was dense around the stream bank on the eastern side, so the banks could not be surveyed. The southern paddocks had cropped pasture with boundaries planted in poplars, and a large pond was also sited here (Figure 59).

Besides the remnant posts, no other archaeological or heritage features were observed on the property. However, due to the presence of the fence posts and likely use of the property in the 19<sup>th</sup>, there could be subsurface features relating to 19<sup>th</sup> century farming activities present within the areas that were inaccessible due to vegetation growth around the creek.



**Figure 50. Property 2 Pt Lot 2 DP 68886: 2017 aerial with John Creek, the streams, the posts which likely represent a 19<sup>th</sup> century fence line, the crossing and the historic house CHI# 22215 indicated (source: AC Geomaps)**



**Figure 51. Historic house CHI no.22215, road facing elevation**



**Figure 52. Extensions to the east of the house indicated by the arrow, as viewed from the road frontage; extensions to the south of the house on the right**



**Figure 53. Norfolk Pine (left) and Eucalypt trees located to the south of the house CHI no. 22215**



**Figure 54. Stables and sheds located to the southwest of the house**



Figure 55. The nine posts (from south to north) demarcating the old boundary along John Creek





**Figure 56. Large corner post the creek crossing with two stays set within it**



**Figure 57. Modern crossing over John Creek which likely follows and older ford. The arrow indicates the corner post with stays**



**Figure 58. Modified land to the east of John Creek: mounded area for dirt bikes, top left; cleared area with bonfire read, top right; ponded area with clay mounds in background and industrial buildings of Property 3 in the background, bottom left; gorse and clay piles with the stream bank indicated by the arrow, bottom right**



**Figure 59. Pond area with poplars forming a land boundary along the southwest extent of the property**

**Property 3c: 1748 Dairy Flat Highway; Pt Allot 210 Psh Of Okura SO 18072, Sec 19 SO 308591**

The land that forms Property 3 is located to the west of SH1 motorway, and is bounded by Property 2b to the west, and Property 4 to the south (Figure 31; Table 2). This property has been fully modified for use as a light industrial yard (landscaping supplies and scaffolding) and was only accessed from the driveway/access road due to heavy machinery in operation (Figure 60). The ground is hard stand or a combination of compacted gravels and hard stand.



Figure 60. Industrial yard with heavy machinery in operation (left), and 2022 aerial image (Google) showing the modified nature of the lot (right)

**Property 3b: 1744 Dairy Flat Highway; Sec 9 SO 308591, Sec 10 SO 308591**

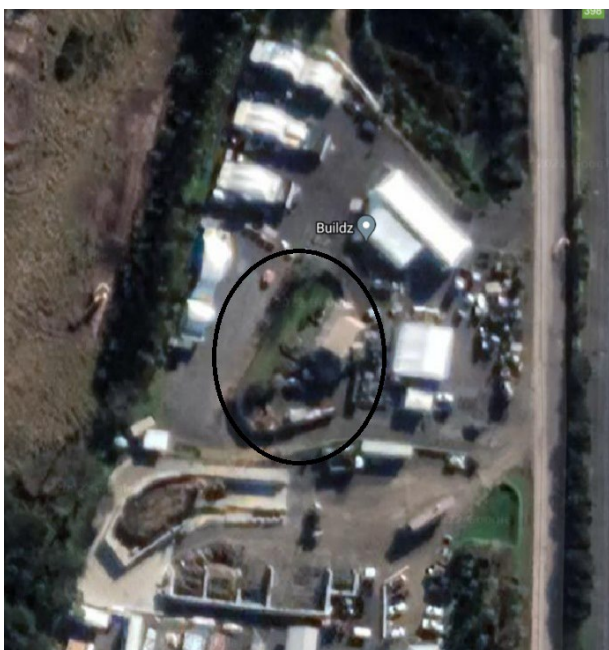
This lot is also being used for industrial purposes with hard stands and modern structures located throughout (Table 2; Figure 31). Set somewhat conspicuously within the yards is the recorded Historic Structure CHI no. 22214, which as described in the background section previously, is likely to have been built by Arthur Sainsbury in 1922 but the house appears similar to late-19<sup>th</sup> century villa. The house is located in ‘Yard 3’ and is occupied, although likely for business purposes only. Photographs were taken from the exterior of the building from two locations accessible at the time of the survey, although the wooden fence obscured the lower part of the building except in the driveway (Figure 61, Figure 62). Parts of the building are somewhat rundown and deteriorating on the exterior. A small section of remnant lawn is visible just to the west of the house (Figure 63).



Figure 61. CHI no. 22214 from the southwest (left); view of entrance on the west with a modern lean-to attached (right)



Figure 62. Southern aspect of the house visible behind above the fence only (left); eastern aspect with bay window facing east (right)



**Figure 63. Aerial image (Google, 2022) with the house and remnant lawn area circled, set within the light industrial yard**

**Property 3a: Dairy Flat Highway; Lot 2 DP 480626**

This is a small section of paddock with used for horse grazing, located just west of the access road extending to 1744, 1748 and 1748a Dairy Flat Highway (Figure 31; Table 2). The pasture immediately adjacent to the access road had signs of having been modified. The property slopes to the west. Overall, no archaeological sites were observed in Property 3. The age of the house recorded as CHI no. 22214 is not known and would need further clarification by a built heritage specialist



**Figure 64. Paddock adjacent to access road, which has been modified to create the raised area indicated by the arrow**

**Property 4: 1748A Dairy Flat Highway; Sec 1 SO 308831**

This property is located south of Property 3 and west of SH1 motorway, with the Joyland property forming the western boundary, and Property 1 to the south (see Figure 31 and Table 2 ). The northwest extent of the property has been modified with partial hardstand and compacted gravels, with a light industrial business under operation (Figure 66). The area has been built up, with the southern fields remaining used for pasture. The fields are low-lying and were heavily waterlogged and not walked over due to this (Figure 67 and Figure 68).



**Figure 65. Property 4 image indicating extent of the modified area, and area of low-lying pasture forming the southern half of the property**



**Figure 66. Property 4 – modified light industrial area, southwest corner with boundary indicated by the electric fence (left); facing east along the boundary with Joyland (right)**



**Figure 67. Facing southwest from the edge of the modified area, indicating low-lying waterlogged land forming the remainder of the property**



**Figure 68. Extended image of the waterlogged pasture forming the remainder of Property 4**

### **Property 10 : 1660 Dairy Flat Highway; Lot 2 DP 74321**

This property was surveyed in 2008 by Clough and Associates and reassessed in 2020. In general, the land in this area was described as rolling gently down from Dairy Flat Highway to SH1, with the majority of land currently in pasture and grazed, with houses and outbuildings present (Figure 69). One large artificial pond was present with shelter belts

planted along fence boundaries. The lower fields which border Property 4 were observed during survey and the area is generally low lying and quite waterlogged, with John Creek passing through the bottom paddocks (Figure 70).

No evidence of 19<sup>th</sup> century structures was observed or detected on early plans or maps on this property, nor during the previous survey.



Figure 69 2017 aerial image of the Joyland property (source: AC Geomaps)





**Figure 70 Joyland property from Property 4, looking up slope (north) to Dairy Flat Highway indicated by the arrow**

## EXPLORATORY ARCHAEOLOGICAL INVESTIGATION OF SITE R10/737

### Methodology

The Section 56 exploratory investigation was undertaken by Richard Shakles and Tom Clough-Macready under the overall direction of Sarah Phear. Prior to works commencing a pre-start briefing was completed for all staff (contractor and archaeologists) working on the project. A site walkover was completed to establish access points for the 5-Tonne mechanical excavator.

Eight trenches of variable length and combination (some T shaped) and one test pit were excavated using a 5-tonne mechanical digger with a 1.3m width toothless bucket under continual supervision by an archaeologist (Figure 71). Excavation continued until subsurface archaeology was reached, or if no subsurface archaeology was present, then until the natural subsoil was reached. The trench and test pit locations were adapted on the ground due to overgrown vegetation, and/or hard surfaces such as paving. All subsurface archaeology that was encountered was cleaned by hand, photographed, recorded, with trench plans and sections also drawn. Any artefacts observed within features or deposits were recorded and left in situ. Following the completion of testing, all the trenches and test pits were backfilled and reinstated.



Figure 71 Aerial image showing the location of the test trenches (T1-8) and test pit location (P1)

## Results

The locations of the trenches to test for subsurface archaeology are shown in Figure 72. Also shown are the approximate location of structures identified on the 1873 survey<sup>62</sup>, and modern disturbed areas around the existing house and driveway/access way areas (indicated in red and yellow).

It became clear that while six small hand-excavated test pits had been planned to be excavated to the east of the existing house on the property, these would not be achievable due to garden paving, dense vegetation and the presence of subsurface services (Figure 72). Only one pit was excavated, and that was in the southern extent of the testing zone – P1 (Figure 72). However, the pit was abandoned not far into the investigation due to the presence of services also and there was no sign of a well which had been posited on the SRF.

In all eight trenches/trench groups were excavated by machine. Two trenches (T6 and T1) contained in situ archaeology, with artefacts also observed in topsoil in Trench 5. The results of the investigation are discussed below.



<sup>62</sup> Note that this plan should not be considered accurate; there is some scale differentiation between the 1870 survey plan and modern aerial. This plan should be viewed considered an approximate location only of the former 19<sup>th</sup> century structures.

**Figure 72 Trench location plan (in blue) showing the approximate location of the 1873 structures (white boxes); extent of modern house, garden and access (red outline); extent of wider farm access driveway and access (yellow outline)**

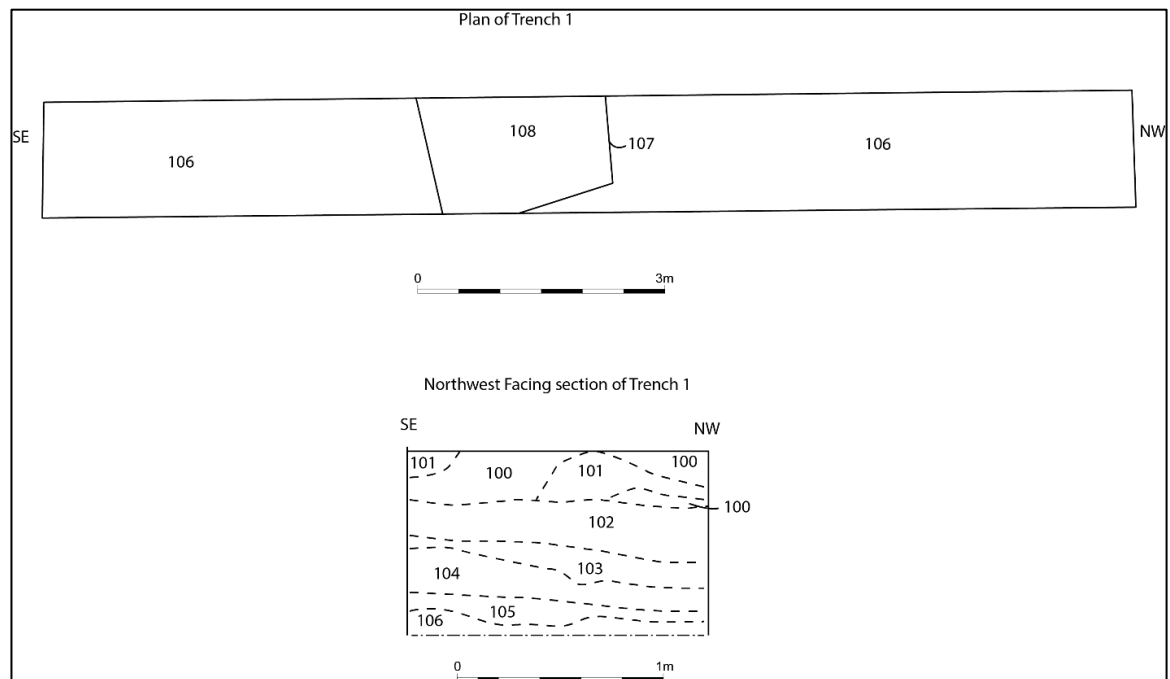
### Trench 1

Trench 1 was located near the southern extent of the investigation area, adjacent and down slope from the farm access track and possible location of one of the Kelly houses (Figure 72). The trench was 12m long by 1.3m wide and excavated to a depth of 0.80m. Excavation commenced from south to north. Thick layers of made-ground were observed in this trench – initially in the form of a modern concrete dump above a silt layer and a sequence of burnt layers containing modern rubbish (see Table 3; Figure 73). Some 19th century artefacts (nails, iron pieces) were observed mixed in a silty clay layer below, which sat above a possible surface comprised of compacted limestone and mudstones with occasional ceramic and black beer bottle fragments located in the southern half of the trench only (context 105). The limit of excavation was within context 106, a clay silt layer containing fragments of bone (butchered and sawn), black beer glass, case gin, aqua, willow ware ceramic and flow blue, Asiatic pheasant, stoneware and clay tobacco pipe stem fragments. This layer likely built-up during use of the house up-slope to the northeast. A rectangular cut feature was cut through context 106, which extended through either side of the trench. It is likely a 19th century feature as the cut was not observed in the layers above (Figure 74). It was filled by yellowish brown clay that had occasional black beer fragments. The investigation halted here around 0.90m below the surface.

**Table 3 Trench 1 context descriptions**

Context No.	Description	Dimensions (m)
100	Mid-brown clay – silt loam. Topsoil under turf.	0.19 deep
101	Crushed and fragmented aggregate layer.	Up to 0.22m thick
102	Reddish brown silt with plastic and burnt glass - 20 <sup>th</sup> century	0.25m thick
103	Series of ash rich burnt layers with frequent charcoal, occasional burnt wood with metal wire and burnt glass. 20 <sup>th</sup> century.	Up to 0.17m thick
104	Greyish brown clayey silt with occasional small, rounded stones and charcoal. Contained wire cut iron nails, and occasional rusted iron pieces.	0.21m thick
105	Indurated metallated surface consisting of limestone/sandstone/mudstone? With occasional 19 <sup>th</sup> century artefacts consisting of blue and white transferware ceramic and black beer.	Up to 0.12m thick
106	Greyish brown clayey silt with moderate charcoal throughout, occasional rounded stones, animal bone (butchered and sawn) with frequent mid-19 <sup>th</sup> century artefacts consisting of black beer glass, case gin, aqua, willow ware ceramic and flow blue, Asiatic pheasant, stoneware and clay tobacco pipe stem fragments.	0.13m to (l.o.e)

107	Cut of rectangular feature seen in southwest facing trench section and in base of trench. Cut with gradual 45° sides then breaks very steeply. Possible 19 <sup>th</sup> century feature. Filled by 108.	2.84 metres wide by 0.36m deep
108	Firmly compacted light yellowish brown clay with occasional charcoal and black beer glass fragments. Fill of 107.	As 107



**Figure 73 Section and plan drawing of Trench 1**



**Figure 74 Photos of Trench 1: open trench with rectangular feature visible (arrowed), facing south (left); trench section (right). Scale: 2 x 1m**

## Trench 2

Trench 2 was located down slope to the southwest of the modern house and was 12m in length by 1.3m wide and excavated to a depth of 0.54m (Figure 72; Table 4; Figure 75). The clay was water logged and sticky in the southern half of the trench. No features were observed, with natural located around 40cm below the surface.

**Table 4 Trench 2 context descriptions**

Context No.	Description	Dimensions (m)
200	Greyish dark brown clay – silt loam. Topsoil under turf.	0.22m thick
201	Mottled greyish brown and yellowish-brown clay. Subsoil.	0.19m thick
202	Whitish yellowish light brownish sterile clay. Natural.	0.42 – 0.54m (l.o.e)



Figure 75 Photo of Trench 2, facing north. Scale: 2 x 1m

### Trench 3

Trench 3 was located to the northwest of the modern house in the front paddock and was 11m long by 1.3m wide and 0.72m deep. The presence of gleyed soils indicated water logging which is consistent with the boggy soils observed during field survey (Figure 72; Table 5; Figure 76). No archaeological features were observed.

Table 5 Trench 3 context descriptions

Context No.	Description	Dimensions (m)
300	Dark brown clay – silt loam. Topsoil under turf.	0.21m thick
301	Mid-grey silty clay with reddish brown mottles. Gleyed subsoil.	0.20m thick
302	Mottled dark grey and brownish grey subsoil.	0.12m thick
303	Whitish grey sterile clay. Natural.	0.53m to 0.72m (l.o.e)



Figure 76 View of Trench 3, facing north. Scale: 2 x 1m

#### Trench 4

Trench 4 was located to the northeast of Trench 3 and was 1.1m long, 1.3m wide and 0.59m deep (Figure 72; Table 6; Figure 77). Similar stratigraphy was observed in Trench 4 as with Trench 3. No archaeological features were observed.

Table 6 Trench 4 context descriptions

Context No.	Description	Dimensions (m)
400	Dark brown clay – silt loam. Topsoil under turf.	0.18m thick
401	Mid- grey clay with reddish brown mottles. Gleyed subsoil.	0.15m thick.
402	Whitish yellowish light brownish sterile clay. Natural.	0.18m thick



403	Whitish blue-grey clay with patches of degraded lignite. Natural.	0.54m – 0.59m (l.o.e)
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Figure 77 View of Trench 4 facing north. Scale: 2 x 1m

### Trench 5

Trench 5 consisted of two bisecting trenches that formed a ‘T’ shape that were both 1.3m wide with one trench 9m long aligned northwest-southeast, and the other aligned 7m northeast-southwest for a length of 7 metres, with a maximum depth of 0.57m. The trenches were located to the northeast of the modern house and southeast of the possible location of one of the former Kelly houses (Figure 72). While no in situ archaeological features were observed in this layer, the topsoil contained some 19th century brick fragments and late 19th century ceramic fragments, which could relate to demolition of the former house structure (Table 7; Figure 78 and Figure 79).

Table 7 Trench 5 context descriptions

Context No.	Description	Dimensions (m)
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500	Greyish dark brown clay – silt loam with occasional mid-19 <sup>th</sup> century brick fragments and late 19 <sup>th</sup> century ceramic (2 sherds). Topsoil under turf.	0.16m thick
501	Grey silty clay with reddish brown mottles. Gleyed subsoil.	0.18m thick.
502	Yellowish light brown sterile clay. Natural.	0.34 – 0.57m (l.o.e)



**Figure 78 View of Trench 5, short trench facing southeast. Scale: 2 x 1m**



**Figure 79 View of Trench 5, short trench facing northeast. Scale: 2 x 1m**

## Trench 6

Trench 6 was located within the possible former footprint of one of Kelly’s houses, the one which became closest to Dairy Flat Highway (the road having been built post- construction of Kelly’s Homestead). The complex of three 1.3m wide bisecting trenches made a roughly ‘F’ shape plan, extending 17m northwest-southeast, with one 7.6m extension southwest to northeast, and a 5.5m section on the road frontage (Figure 72). Within this trench 16 postholes were observed and recorded, square and/or rectangular in shape (Figure 80; Figure 81; Table 8). In addition, two possible beam slots or drains were also recorded, although the placement of the features suggests they are more likely drains than beam slots (Figure 80; Figure 81; Figure 82; Table 8). Black beer bottles were located within the fill of many of the postholes, which could suggest they were deliberately placed there. The depth to natural was noticeably shallower in this series of trenches compared to others.

**Table 8 Trench 6 context descriptions**

Context No.	Description	Dimensions (m)
600	Greyish brown silty clay loam. Topsoil under turf. Formed since abandonment and demolition of structure.	0.13m thick
601	Mottled greyish brown and yellowish-brown clay. Subsoil. Modern subsoil after abandonment of structure.	0.07m thick.
602	Yellowish brown and greyish brown silty clay with occasional charcoal inclusions. Original subsoil contemporary with occupation of pub. Almost certainly vertically truncated by construction and demolition/removal of structure.	0.06m thick
603	Posthole, small square 10x10cm	n/a
604	Posthole, large rectangular 30x20cm	n/a
605	Posthole, large square 30x30cm	n/a
606	Posthole, large square 30x30cm	n/a
607	Posthole, large square 35x35cm	n/a
608	Posthole, large rectangular 48x36cm	n/a
609	Posthole, large rectangular 47x30cm	n/a
610	Posthole, small 10x10cm	n/a
611	Posthole, small square 10x9cm	n/a
612	Posthole, small square 10x10cm	n/a
613	Posthole, large square 30x31cm	n/a
614	Posthole, small square 15x10cm	n/a
615	Posthole, large rectangular 52x48cm	n/a
616	Posthole, small square 10x9cm	n/a
617	Posthole, large rectangular 58x44cm	n/a
618	Posthole, medium rectangular 25x20cm	n/a
619	Beam slot/drain, northwest/southeast oriented	n/a
620	Beam slot/drain, northwest/southeast oriented	n/a

621	Light yellowish brown sterile clay. Natural.	to 0.3m (l.o.e)
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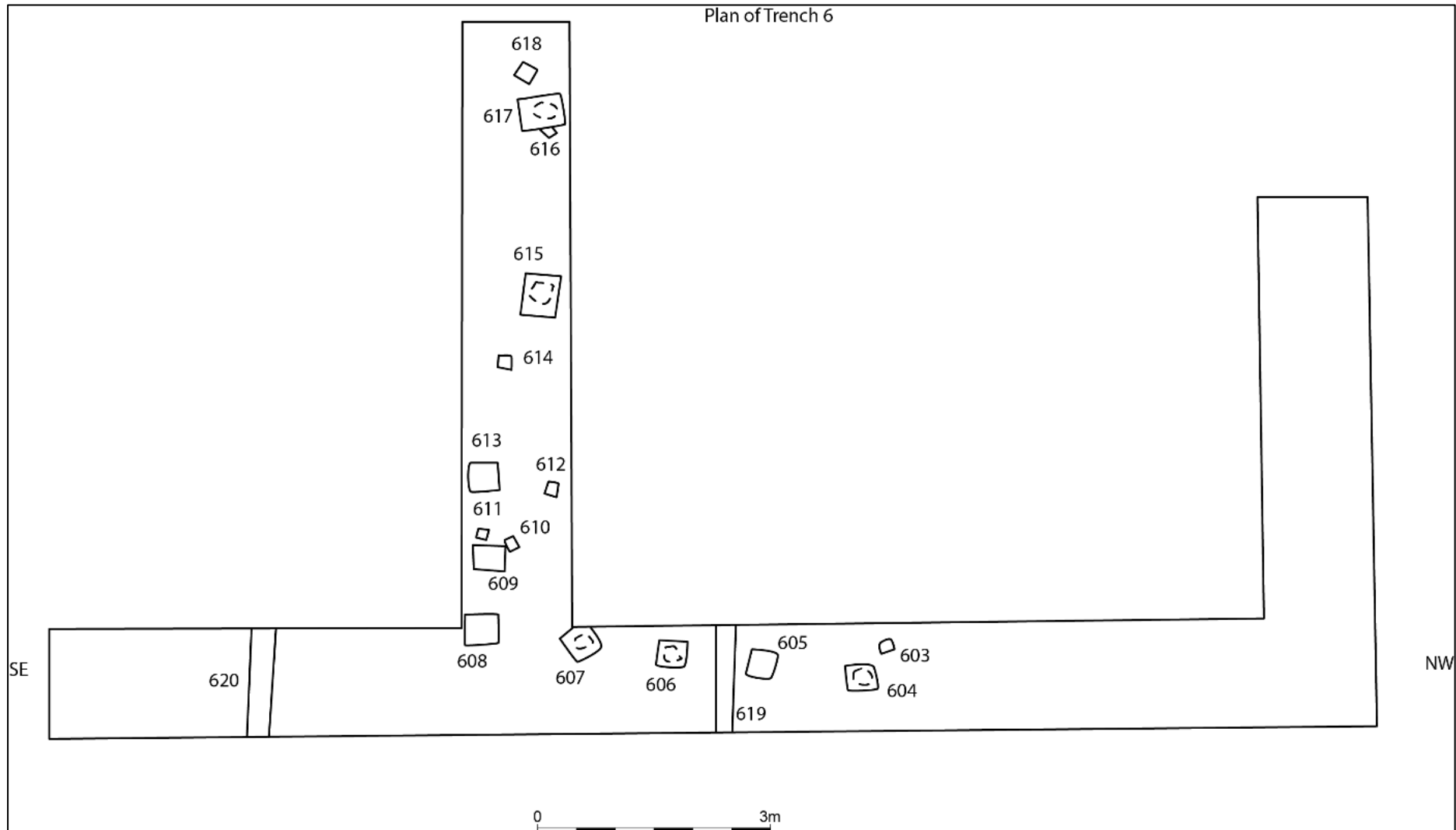


Figure 80 Trench plan showing postholes and possible beam slots/drains in Trench 6





**Figure 81 Photos of Trench 8 postholes with black beer bottle fragments; a group of black beer bottle fragments, ceramic and brick fragments; and probable drain with posthole (30cm scale and 50cm scale)**



**Figure 82 Trench 6 – longest trench on top left, facing north; short trench by road frontage on top right; and Trench 6 with postholes on the left (red arrow) and backfilled Trench 5 on the right (yellow arrow), facing northeast (1m scale bars)**



## Trench 7

Trench 7 was placed to the southeast of the main house complex area in order to test the mounded area where 19th century artefacts had been observed on the surface during field survey (Figure 72). It measured 8m southeast northwest and had a 3m 'L' shaped extension at its northern end (Figure 83). No in situ features were recorded in this trench, suggesting that the mound may have been formed during land clearance with isolated 19th century features mixed in the topsoil (Table 9).

**Table 9 Trench 7 context descriptions**

Context No.	Description	Dimensions (m)
700	Dark brown clay – silt loam. Topsoil under turf.	0.20m thick
701	Mottled brown and yellowish brown clay. Subsoil.	0.14m thick
702	Yellowish light brown sterile clay. Natural.	0.26m – 0.31m (l.o.e)



**Figure 83 Trench 7 – long trench (left) and short trench facing the road frontage (right) (1m scale bars)**

## Trench 8

Trench 8 was located just northeast of Trench 7 along the property frontage where the map overlay indicated that the possible stables were located (Figure 84). Grey gleyed, waterlogged soil was observed just below the topsoil, which continued for approximately 0.40m and the trench was abandoned at this point as no features or artefacts were observed.



**Figure 84 View of Trench 8 just before it was abandoned showing gleyed clay (facing northwest)**

## DISCUSSION AND CONCLUSIONS

### Summary of Results

The Silverdale West Plan Change area has one archaeological site recorded on the NZAA ArchSite database and two 20<sup>th</sup> century heritage sites recorded on the AC Cultural Heritage Inventory. Background research has established that the majority of the land was owned in the 19<sup>th</sup> century by Maurice Kelly and the Kelly family (former Allotments 7, 8 and 16 [219]), a notable early settler family in the Wade area. The property at 1636 Dairy Flat Highway contains the recorded archaeological site R10/737, the site of Kelly's former inn, stables, homestead and additional buildings. No surface remains of the structures survive. Kelly's inn was widely known as a waypoint on the road, a place of accommodation for travellers, and a focus for community activities. The field survey identified a row of likely 19<sup>th</sup> century posts demarcating a former fence line on the west side of John Creek at 1732 Dairy Flat Highway (former Allotment 8). In addition, a large corner post with two notched stays was identified by the current creek crossing, which may indicate that the crossing of the creek may have some longevity at this location. The fence posts and possible 19<sup>th</sup> century creek crossing likely date to the Kelly ownership of the land, as they undertook dairy farming on the properties as well as horse trading and other farming and agricultural activities.

The exploratory archaeological investigation located the archaeological remains of a structure, most likely one of the Kelly houses, shown located closest to the road on the 1873 plan (Figure 17, above and Figure 85); demolition debris possibly related to the second house back from the road (the homestead); and a possible pit and artefact layer related to the fourth house from the road (Figure 86). Trench locations were not possible across the majority of the area where the remaining houses and inn were located due to the presence of the modern house and gardens (which are still occupied) including driveway/access ways, services, and modern structures.

Artefacts such as ceramic/willow ware, and black beer bottles were observed in some trenches and are typical of mid to late 19<sup>th</sup> century domestic assemblages. As some of the black beer bottles were found within the postholes of the structure in Trench 6, it is possible that this structure may have been the house used to sell alcohol/grog in the mid-1860s. Certainly the remains of the house structure are clearly in good condition in this location, and it is possible that rubbish pits are also located in the near vicinity, although these were not found during trenching.

The layer containing artefacts and the pit feature found in Trench 1 are likely related to use of the house located to the east and upslope of this area. The stratigraphy recorded here indicates successive land-filling activities into the modern times to raise the ground surface, so it could be that this area was used to dump rubbish from Kelly's time on the property. The pit could be a cess-pit/long-drop; however further excavation would be required to confirm this.

Subsurface remains of the stables were not identified during the investigation. The possible location of the inn is where a modern barn is located so it could not be tested, and review of historic aerials indicate the barn was built between 1957 and 1963 (Figure 87). It is likely that construction of the modern barn has truncated any subsurface remains of the inn; however, it is considered likely that subsurface remains will survive in this area as the inn appears to have been a large structure which would have required large foundations/posts for structural support.

No Māori archaeological sites were identified during the field survey and background research has established that Māori archaeological site distribution in the Silverdale and wider Gulf coast area focuses on the coastline and shorelines of river estuaries and the sites do not tend to extend beyond a kilometre inland from the coast and along navigable waterways.

The two recorded CHI structures are located within the Plan Change Area relate to early-mid-20<sup>th</sup> century settlement on the land, although the villa (CHI no. 22215) may have been relocated to the property as it does appear to have some 19<sup>th</sup> century characteristics. In addition, a possible 19th century weatherboard structure was also identified at 1570 Dairy Flat Highway.

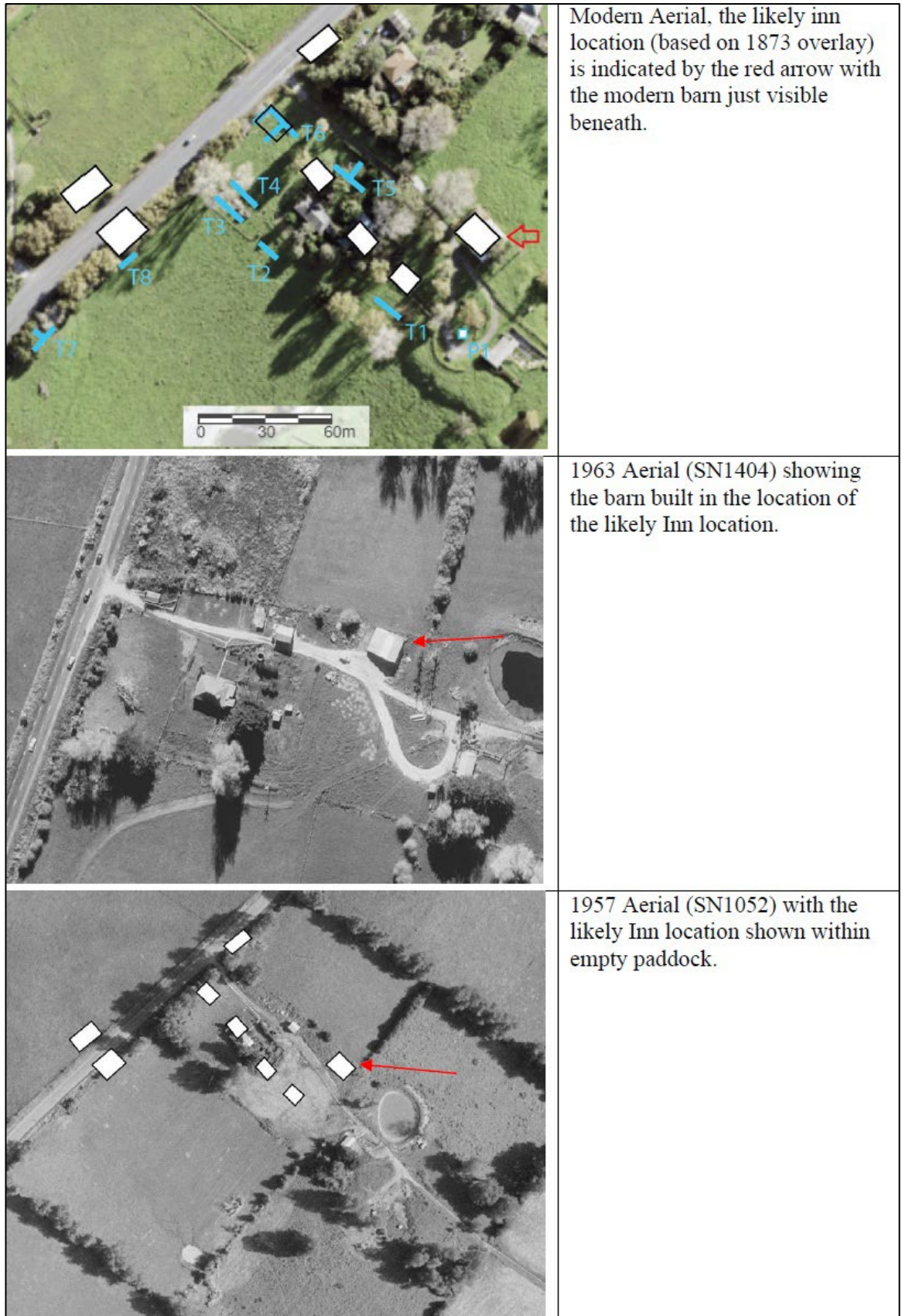
The properties in the northeast corner of the Plan Change area were modified extensively through kauri gum extraction in the 19<sup>th</sup> century and have undergone further modification in the 20<sup>th</sup> century. Overall, the Plan Change Area land use history is one of land clearance, gum digging, and farming, the latter continuing over much of the land to this day. There is some potential for further sites to be located in proximity to John Creek, particularly at 1732 Dairy Flat Highway, otherwise the remainder of the plan change area is considered to have low potential for unrecorded archaeological sites.



**Figure 85** Projected layout of the house structure located within Trench 6 (square) based on the results of the exploratory testing; possibly demolition spread found in Trench f (green oval) with the probable house location (homestead) indicated by the arrow



**Figure 86 Location of 19th century pit feature and artefact layer located close to the fourth house structure (back from the road), the likely location indicated by the arrow**



**Figure 87** Figure showing the likely location of the 19th century Inn which currently has a modern barn located there, which appears to have been built sometime between 1957 and 1963 (source: AC Geomaps; Retrolens)

## Māori Cultural Values

This is an assessment of an assessment of archaeological values and does not include an assessment of effects on Māori cultural values. Such assessments should only be made by the tangata whenua. Māori cultural concerns may encompass a wider range of values than those associated with archaeological sites. The historical association of the general area with the tangata whenua is evident from the recorded sites, traditional histories and known Māori place names.

## Survey Limitations

It should be noted that archaeological survey techniques (based on visual inspection and minor sub-surface testing) cannot necessarily identify all sub-surface archaeological features or detect wāhi tapu and other sites of traditional significance to Māori, especially where these have no physical remains. While surface visibility was generally good throughout the survey, some areas could not be accessed due to vegetation (such as the eastern side of John Creek). In addition, note that the following properties were not available for survey (see Figure 31):

- 1700 Dairy Flat Highway Dairy Flat 0792, Pt Lot 1 DP 68886 (Property 5)
- 1638 Dairy Flat Highway, Lot 1 DP 46158 (Property 7)
- 1646 Dairy Flat Highway, Lot 1 DP 74321 (Property 8)
- 1696 Dairy Flat Highway, Lot 1 DP 69561 (Property 9)
- 1738 Dairy Flat Highway, Lot 1 DP 480626 (Property 3d)

These properties are generally small, occupied by residences, and are unlikely to contain any heritage sites based on the background research undertaken for this report, and knowledge of the landscape following field survey and assessment.

## Archaeological Value and Significance

The Regional Policy Statement (RPS) in the Auckland Unitary Plan (AUP) identifies a number of criteria for evaluating the significance of historic heritage places. In addition, Heritage NZ, has provided guidelines setting out criteria that are specific to archaeological sites (condition, rarity, contextual value, information potential, amenity value and cultural associations) (Heritage NZ 2019: 9-10). Both sets of criteria have been used to assess the value and significance of the archaeological site R10/737 at 1636 Dairy Flat Highway (see Table 10 and Table 11). Note that this site was also identified in the 2019 Silverdale West Structure Plan report (Brassey & Francesco 2019) as having potential historic heritage significance.

The archaeological value of sites relates mainly to their information potential, that is, the extent to which they can provide evidence relating to local, regional and national history using archaeological investigation techniques, and the research questions to which the site could contribute. The surviving extent, complexity and condition of sites are the main factors in their ability to provide information through archaeological investigation. For example, generally pa are more complex sites and have higher information potential than small midden (unless of early date). Archaeological value also includes contextual (heritage landscape) value. Archaeological sites may also have other historic heritage

values including historical, architectural, technological, cultural, aesthetic, scientific, social, spiritual and traditional values.

Based on the criteria discussed below it is considered that the site has considerable local significance as a historical site associated with Maurice Kelly and it has the potential to provide information through archaeological investigation on the 19th century social and economic history of ‘The Wade’ District in general and the Kelly homestead/public house in particular.

**Table 10 Assessment of the historic heritage significance of site R10/737 based on the criteria in the Auckland Unitary Plan (Chapter B4.1) and RPS (Chapter B5.2.2)**

<b>Criterion</b>	<b>Comment</b>	<b>Significance Evaluation</b>
a) historical: The place reflects important or representative aspects of national, regional or local history, or is associated with an important event, person, group of people or idea or early period of settlement within New Zealand, the region or locality	The site is associated with Maurice Kelly and the Kelly family, a well-known public figure in the 19th century in ‘The Wade’ (Silverdale area).	Considerable (local level)
b) social: The place has a strong or special association with, or is held in high esteem by, a community or cultural group for its symbolic, spiritual, commemorative, traditional or other cultural value	There are no original structures or above ground structures surviving, and the association of the site with past events is not generally known within the current community.	Little
c) Mana Whenua: The place has a strong or special association with, or is held in high esteem by, Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value	To be determined by mana whenua	Not assessed
d) knowledge: The place has potential to provide knowledge through scientific or scholarly study or to contribute to an understanding of the cultural or natural history of New Zealand, the region, or locality	The site contained the Kelly homestead and public house during the 19th century and has potential to provide knowledge on the local area through archaeological investigation. The s56 authority established that there are archaeological remains of a structure, most likely one of the Kelly houses, shown	Moderate to Considerable (local level)



Criterion	Comment	Significance Evaluation
	located closest to the road; demolition debris possibly related to the second house back from the road (the homestead); and a possible pit and artefact layer related to the fourth house from the road.	
e) technology: The place demonstrates technical accomplishment, innovation or achievement in its structure, construction, components or use of materials	The site has no above ground structural remains to demonstrate any technical accomplishment	None
f) physical attributes: The place is a notable or representative example of a type, design or style, method of construction, craftsmanship or use of materials or the work of a notable architect, designer, engineer or builder;	The site has no above ground structural remains demonstrating any physical attributes	None
g) aesthetic: The place is notable or distinctive for its aesthetic, visual, or landmark qualities	The site has no visual, aesthetic or landmark qualities, and is the site of a modern house and gardens	None
h) context: The place contributes to or is associated with a wider historical or cultural context, streetscape, townscape, landscape or setting	The site has an association with the broader settlement of the area (The Wade) in the 19th century as the Kelly homestead and a popular public house. The site has group value as one of a number of early European archaeological sites in the area.	Moderate

**Table 11 Assessment of the archaeological values of Site R10/737 based on Heritage NZ criteria (Heritage NZ 2019: 9-10)**

Value	Assessment
Condition	There are no historical structural remains associated with the site. The extent of subsurface remains is not known, and some damage will have undoubtedly occurred from the construction of new buildings, ponds and heaving cattle pugging in recent times will

Value	Assessment
	have caused further damage. However, relatively intact archaeological deposits, such as evidence of building locations, rubbish pits and a well may still be present subsurface.
Rarity	The site is not uncommon in the region; however, it has a unique association with a notable historical person, Maurice Kelly, and is the site of one of his first public houses.
Contextual value	The site has an association with the broader settlement of the district (The Wade) in the 19th century with subsequent farming developments, and is one of a number of early European archaeological sites from this period in the area.
Information potential	The buildings associated with the site are no longer present but there is potential for their locations and functions to be better understood through archaeological investigation, as well as the recovery of artefacts associated with Maurice Kelly's occupation of the site. This would provide insights into the social history of the area through archaeological investigation of the site of a popular public house associated with a known individual.
Amenity value	There are no remaining historic structures and modern houses and farm buildings have been built on the site. However there is potential for future development to incorporate information panels on the site and/or develop a reserve/parkland that respects the former location of the structures.
Cultural associations	The site is associated with European settlement of the area and a colourful local historical figure.
Other	The site has historical values due to the connection with Maurice Kelly and the Kelly family, notable early settlers in the Wade area.

## Effects of the Proposal

An Exploratory Investigation has been undertaken under the HNZPT Act (2014), and this has provided evidence indicating that subsurface archaeological remains are present which relate to the former Kelly homestead/property. Future industrial and/or light industrial development enabled by the proposed Plan Change therefore has the potential to adversely affect subsurface archaeological remains relating to archaeological site R10/737.

With regards to effects of precinct provision IX 6.5 – Landscape buffer (Dairy Flat Highway Interface), the PPC recommends a 5m buffer relating to the property at 1738 Dairy Flat Highway where site R10/737 is located, and this will avoid impacting the site. The location of R10/737 should also be considered during future road widening permitted under precinct provision IX 6.6 – Road widening setback along Dairy Flat Highway. The anticipated width of the future road is 30m for most of the PPC frontage; however, consideration should be given outside 1738 Dairy Flat Highway in future design in order to avoid any adverse effects on the surviving site components located closest to the road.

Consideration should also be given to reflecting the history of site R10/737 in the naming of streets, and to providing information signage at the location of the site as part of a mitigation strategy to offset any adverse effects on the site. If avoidance of site R10/737

during future development is not possible, further assessment should be undertaken to identify specific adverse effects and recommend appropriate mitigation under the archaeological provisions of the HNZPTA.

In any area where archaeological sites have been recorded in the general vicinity it is possible that unrecorded subsurface remains may be exposed during development. In this case, an area in proximity to John Creek at 1732 Dairy Flat Highway was identified as having the potential to contain unrecorded subsurface remains. As such, further archaeological assessment at the resource consent stage should be undertaken to establish the effects on archaeology and to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA).

While it is considered unlikely that unrecorded subsurface archaeological remains are present in the remainder of the Plan Change area, the possibility is provided for under the AUP (OP) Accidental Discovery Rule (E12.6.1).

Future development enabled by the proposed Silverdale West Plan Change Area will have no known effects on archaeological values relating to Māori settlement as no archaeological sites relating to Māori settlement and land use have been recorded within the boundaries of the Plan Change Area and none were identified during the survey for this assessment. Moreover, there are no recorded Māori archaeological sites in close proximity, as most sites are situated along the coastline and shorelines of estuaries close to the Wade.

There are no scheduled historic heritage places in the Plan Change Area. Any future development enabled through the Plan Change, however, will also likely adversely affect the two 20<sup>th</sup> century historic structures located within the Plan Change Area: the villa located at 1744 Dairy Flat Highway (CHI no. 22214), and the residential house located at 1732 Dairy Flat Highway (CHI no. 22215). However, as the structures are not archaeological sites there would be no statutory requirements under the HNZPT Act (2014). As well, the structures are not considered to have significant heritage values and are not likely to meet the criteria for including in the AUPOP schedule of significant historic heritage places (Brassey & Francesco, 2019). However, it is advised that the buildings should be assessed by a built heritage specialist to identify the full effects of the proposed plan change on historic heritage values.

## **Resource Management Act 1991 Requirements**

Section 6 of the RMA recognises as matters of national importance: ‘the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga’ (S6(e)); and ‘the protection of historic heritage from inappropriate subdivision, use, and development’ (S6(f)).

All persons exercising functions and powers under the RMA are required under Section 6 to recognise and provide for these matters of national importance when ‘managing the use, development and protection of natural and physical resources’. There is a duty to avoid, remedy, or mitigate any adverse effects on the environment arising from an activity (S17), including historic heritage.

Historic heritage is defined (S2) as ‘those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological’. Historic heritage includes: ‘(i) historic sites,

structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Maori, including wāhi tapu; (iv) surroundings associated with the natural and physical resources’.

Regional, district and local plans contain sections that help to identify, protect and manage archaeological and other heritage sites.

The plans are prepared under the provisions contained in Part 5 of the RMA. The Auckland Unitary Plan Operative in Part 2016 (AUP OP) is relevant to the proposed activity. The relevant chapters relating to heritage are: RPS Chapter B5. Ngā rawa tuku iho me te āhua – Historic heritage and special character, Chapter D 17 Historic Heritage Overlay, Schedule 14.1 Schedule of Historic Heritage and Schedule 14.3 Historic Heritage Place Maps.

There are no scheduled historic heritage sites located within the proposed Silverdale West Plan Change Area.

This assessment has established that while the proposed Plan Change will have no effects on any known archaeological remains, future developments enabled by the Plan Change would have the potential to adversely affect subsurface remains relating to the Maurice Kelly site (R10/737) and any other unrecorded archaeological remains relating to farming. Any additional archaeological sites are considered unlikely to be places of significant historic heritage value. The site has been assessed under the Auckland Regional Policy Statement criteria (AUPOP (Chapter B4.1 and B5.2.2) as part of this assessment and is considered to have considerable local significance as a historical site. While the site could be assessed formally under criteria for potential inclusion in the AUPOP schedule of historic heritage places, the authors concur with the conclusion of the AC Historic Heritage Topic Report by Brassey & Francesco (2019:33-34) who state:

“Given that the site of the Kelly buildings complex occupies a significantly large geographical area, it is our view that scheduling of the site would not provide reasonable use of the land into the future as provided for in the proposed structure plan. Therefore there would be no benefit in undertaking a formal significance evaluation. Options to protect all or part of the site through zoning and/or acquisition have been explored and are not considered to be practicable”.

Brassey & Francesco (2019) recommend that the development and management of the land should therefore be undertaken under the archaeological provisions of the HNZPTA (see next section). While the results of the exploratory authority indicated some subsurface remains of the buildings of the Maurice Kelly site (R10/737), the results have not provided sufficient information to increase the values of the site other than as having considerable local significance. The extent of the area of subsurface remains relating to the Kelly site in good condition is likely restricted to a small area close to the Dairy Flat Highway. Therefore, taking into account the conclusions of Auckland Council’s report on the site (Brassey & Francesco 2019) and the results of the exploratory authority, the site is not considered suitable for scheduling under the AUPOP and can be appropriately managed under the provisions of the HNZPT Act (2014).

The potential for adverse effects on unrecorded sites elsewhere within the Plan Change Area is considered to be low, with the exception of the land in proximity to John Creek in the northern half of the Plan Change area. The two buildings that date from the early to mid-20th century that have been identified within the Plan Change area and are recorded on the Cultural Heritage Inventory are considered to have some local historical significance but are otherwise typical rural dwellings. They are not likely to meet the criteria for including in the AUPOP schedule of significant historic heritage places (Brassey &

Francesco, 2019); and the weatherboard structure at 1570 is in poor condition, and equally would be unlikely to meet scheduling criteria.

Overall, the low potential for unrecorded sites to be affected by future activities across the majority of the Plan Change area can be addressed under the AUP OP Accidental Discovery Rule (E12.6.1). Under the Rule works must cease within 20m of the discovery and the Council, Heritage NZ, Mana Whenua and (in the case of human remains) NZ Police must be informed. The Rule would no longer apply in respect to archaeological sites if an Authority from Heritage NZ was in place.

## **Heritage New Zealand Pouhere Taonga Act 2014 Requirements**

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

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

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

(a) any place in New Zealand, including any building or structure (or part of a building or structure) that –

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)’<sup>63</sup>

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

Future development enabled by the proposed Silverdale West Plan Change Area has the potential to affect subsurface remains relating to the Maurice Kelly’s site (R10/737) and any other unrecorded archaeological sites relating to 19<sup>th</sup> century farming of the land. Any subsurface remains associated with these sites would be subject to the archaeological provisions of the HNZPTA. It is considered likely that subsurface remains associated with the homestead, stables and inn will be present such as postholes, foundations, rubbish pits and a well. It is also considered possible that archaeological remains associated with the

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<sup>63</sup> Under Section 42(3) an Authority is not required to permit work on a pre-1900 building unless the building is to be demolished. Under Section 43(1) a place post-dating 1900 (including the site of a wreck that occurred after 1900) that could provide ‘significant evidence relating to the historical and cultural heritage of New Zealand’ can be declared by Heritage NZ to be an archaeological site.

19th century farming around the northern section of John Creek may also be present such as postholes and surviving posts.

An archaeological authority would be required for any future development enabled by the proposed Plan Change that will affect site R10/737. If a general authority is applied for (under section 44(a)) the conditions of the authority issued by Heritage NZ would likely include the requirement for archaeological investigation and recording of any remains affected to recover information relating to the history of the area, to offset the adverse effects on the sites. The archaeological provisions of the HNZPTA would also apply to any unrecorded sites exposed during development.

## Conclusions

The majority of the land within the Silverdale West Plan Change area has low potential for unrecorded archaeological sites. One recorded archaeological site is located within Plan Change area, and two sites are recorded on the Auckland Council CHI, the latter relating to 20<sup>th</sup> century settlement. This assessment has established that the majority of the Plan Change Area was formerly owned by Maurice Kelly and his family, a notable settler of the Wade/Silverdale area in the 19<sup>th</sup> century. Archaeological site R10/737 relates to Kelly's former homestead, inn, stables and associated buildings; while there are no surviving above ground remains of the site, a s56 authority was completed and has established that subsurface remains of the site survive in variable condition. Archaeological remains that survive in good condition and likely relate to one of the Kelly houses are located closest to Dairy Flat Highway, an should be avoided. There is also some potential also for surviving features relating to 19<sup>th</sup> century farming in the vicinity of John Creek in the northern extent of the watercourse, particularly in the property at 1732 Dairy Flat Highway.

The presence of heavy soils dominated by clay and prone to waterlogging suggests that the soils would not have been suitable for Māori agriculture and no archaeological remains relating to Māori settlement were found during field survey or through background research. The CHI sites are not archaeological; however further assessment by a built heritage specialist would establish the effects of the proposal on historic heritage values.

As there is potential for subsurface archaeological remains to be affected by future development enabled by the Plan Change, appropriate management and mitigation measures will be required under the provisions of the HNZPTA. Overall, it is considered that the effects would be minor/moderate subject to implementation of the recommendations set out below.

## RECOMMENDATIONS

- Based on the results of the S56 Exploratory investigation, consideration should be given to protecting the subsurface archaeological remains of site R10/737 within the area indicated on Figure 27 (see Phear & Shakles 2023) where the probable house structure closest to the road is located.
- Installation of interpretive elements such as surface demarcations of the house and an information panel should be considered.
- That if protection of the site is not provided through precinct provisions, then the future detailed resource consent applications ensure that the two recommendations (above) are considered and implemented.
- Consideration should also be given to reflecting the history of site R10/737 in the naming of streets, and to providing information signage at the location of the site as part of a mitigation strategy to offset any adverse effects on the site.
- While any remaining subsurface archaeology relating to R10/737 on the property is likely to have been previously modified/vertically truncated, that a general archaeological authority will still be required from Heritage New Zealand Pouhere Taonga prior to commencement of any earthworks that may affect the site.

A mitigation approach that avoids and protects the best surviving subsurface remains of R10/737 and investigates subsurface archaeology of lower value within the development area would have the following outcomes –

- a) Surviving archaeology in good condition which is representative of the site is avoided and preserved in situ.
  - b) The local community would benefit with interpretive elements providing awareness of the site and the opportunity for knowledge transfer.
  - c) Any surviving archaeological remains relating to the Kelly settlement would be investigated and recorded under authority from HNZPT, which would provide detailed information on this early settler family who played a notable part in the development of the Wade area from the 1860s onwards.
- - As there is potential for additional subsurface archaeology to be present around John Creek in association with a possible 19th century fence line and creek crossing, further archaeological assessment at the resource consent stage should be undertaken to establish the effects on archaeology and to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA).
  - Elsewhere within the proposed Plan Change Area the Accidental Discovery Rule (section E.12.6.1 of the AUP OP) should be relied on to provide for any additional unrecorded archaeological sites that may be present, as the potential for these is low.
  - If modification of a site does become necessary during future development, an Authority must be applied for under Section 44(a) of the HNZPTA and granted prior to any further work being carried out that will affect the site. (*Note that this is a legal requirement*).
  - The villa at 1744 Dairy Flat Highway (CHI no. 22214), and the residential house located at 1732 Dairy Flat Highway (CHI no. 22215) should be assessed by a built

heritage specialist to identify the full effects of the proposed plan change on historic heritage values.

- Since archaeological survey cannot always detect sites of traditional significance to Māori, such as wāhi tapu, the tangata whenua should be consulted regarding the possible existence of such sites within the proposed Plan Change Area.
-



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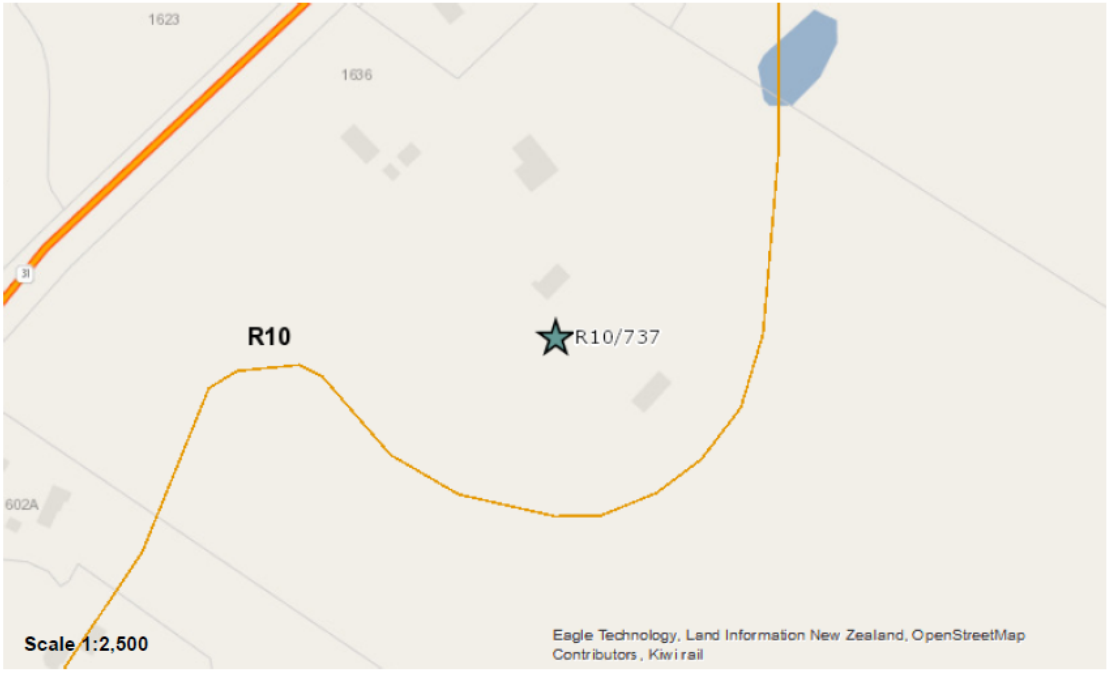
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'Old Land Claim 82' research folio

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## APPENDIX A: SITE RECORD FORMS

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION		
 <p><b>Site Record Form</b></p>	<b>NZAA SITE NUMBER:</b> R10/737	
	<b>SITE TYPE:</b> Historic - domestic <b>SITE NAME(s):</b> Sawyer's Arms Inn; Kelly homestead; Kelly's corner <b>DATE RECORDED:</b>	
<b>SITE COORDINATES (NZTM) Easting:</b> 1747905 <b>Northing:</b> 5944379 <b>Source:</b> Handheld GPS		
<b>IMPERIAL SITE NUMBER:</b>		<b>METRIC SITE NUMBER:</b> R10/737
		
<b>Finding aids to the location of the site</b> Site is located on the western side of SH1, approximately halfway between Wilkes Road and Small Road junctions in part Lot 4 DP27443 south of Silverdale. Old SH1 is now the Dairy Flat Highway. Site is located at 1636 Dairy Flat Highway, Lot 1 DP208687.		
<b>Brief description</b> Site of dwelling house, public house, stables and stockyard		
<b>Recorded features</b> Artefact, Building - cottage, Building - homestead, Building - hotel, House floor/ site, Building - school, Building - stable		
<b>Other sites associated with this site</b>		
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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

**SITE RECORD HISTORY**

**NZAA SITE NUMBER:** R10/737

**Site description**

Updated 14/04/2023 (Field visit), submitted by sarahphear , visited 24/03/2023 by Phear, Sarah  
Grid reference (E1747905 / N5944379)

Archaeological remains were exposed as part of a s56 exploratory investigation at the property under authority 2023/392. The postholes and possible beam slots most likely belong to the one of the houses shown on the 1873 Plan (SO1118B). Artefacts exposed consisted of black beer bottles and ceramics. A test trench located on the mounded area close to the road did not reveal structural remains and the artefacts visible on the surface most likely are derived from land clearance activities. One additional trench identified remains of a rectangular pit, the function of which is unknown, as well as a layer containing ceramic sherds and layers of fill/made ground. This is located to the west of the fourth house shown on the 1873 plan.

See report: S. Phear and R. Shakles (2023) Maurice Kelly's Homestead and Inn (R10/737): s56 Exploratory Investigation.

Updated 23/05/2019 (Field visit), submitted by robertbrassey , visited 21/11/2017 by Brassey, Robert  
Grid reference (E1747905 / N5944379)

From: Brassey, Robert and Cara Francesco 2019. Historic Heritage Topic Report:  
Silverdale West Dairy Flat Business Area Structure Plan. Auckland Council

Maurice Kelly (1795 – 1888) claimed to have settled in the Wade district in 1848 (New Zealand Herald 24 March 1888:1 (Supplement). Grover (2013:31) gives the date as August 1852 but acknowledges that Kelly applied for a timber licence in the area two years prior to this. Maurice Kelly eventually owned a large holding comprising nearly 1200 acres south of the Weiti Stream now bounded by the Weiti, Wilks Road, and East Coast Road. This consisted of Allotment 16 (195 acres, purchased 1856); Allotment 8 (411 acres, purchased 1854), and Allotment 7 (550 acres, purchased 1855). Kelly also had grazing rights to a substantial unsurveyed area south of that (Grover 2013:81).

Kelly and his family comprising Maurice, his wife Mary, and eight children (four from Mary's earlier marriage), and a tutor who resided with them, lived on Allotment 8.

Crawford (1880: 209) described Maurice Kelly as having a remarkable collection of houses, including a Roman Catholic chapel . These included the Kelly homestead, Sawyer's Arms Inn, stables and associated buildings including around four or five other houses.

Nearby, on the other side of the road to Wade (which became the second Great North Road), was a stockyard and associated building, and a barn. Closer to the Weiti Stream Kelly had another stockyard, and two buildings (SO 894). These were also outside the present study area. Kelly also owned a racecourse at which annual 'Wade Races' were held on St Patrick's Day (Daily Southern Cross 24 March 1866:6), followed by a ball at Kelly's hotel . The location of this racecourse is presently unknown, but it was possibly located near the Weiti Stream stockyard.

By 1869 Maurice Kelly had begun to progressively subdivide his allotments and during the 1870s and 80s conveyed parts of this land to family members. Kelly's wife Mary died in 1884. By 1888, Maurice Kelly was living the life of a recluse in Wade township and passed away in June of that year (Cameron et al 2015:54).

Maurice Kelly's Inn, homestead and associated buildings are known to be located at what is now 1636 Dairy Flat Highway. Kelly's association with the property ended in 1884, but his house survived until ca 1982 (see Cameron et al 2015:37). It was sited immediately northeast of the existing house that replaced it. Archival plans drawn at various different times show a large building and three or four smaller buildings in a group, with a stable further away beside the road. The small buildings are annotated as houses on one plan. It is assumed that the larger building is the inn and that one of the smaller buildings was Kelly's homestead. Kelly's Inn had a large kitchen which was of sufficient size to hold an annual ball associated with the Wade horse races (New Zealand Herald 8 March 1865: 4), whereas the Kelly house was a modest sized dwelling.

On the opposite side of what is now Dairy Flat Highway from the stable was a stockyard, possibly the yard where Kelly held his stock auctions. A building associated with the stockyard is also shown on SO plans 1118A and 1118B.

**Reference**

Cameron, Ellen, Zarah Burnett and Sarah Phear 2015. Silverdale West: Preliminary archaeological assessment. Clough and Associates, Auckland.

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**NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION**

Updated 23/11/2015 (Field visit), submitted by rodclough, visited 22/10/2015 by Cameron Ellen; Shakles Richard  
Grid reference (E1747905 / N5944379)

The site was visited as part of an archaeological assessment for a residential development on October 22nd 2015. Surface finds of 19th century ceramic and glass material and a corroded metal latch or hinge were identified around the area where the Kelly dwelling house is thought to have been located (a modern house has now been built here) near to the originally recorded features described when the site was recorded in 1992.

In the 2015 survey a slightly raised area was noted approximately 100 m to the south of the modern house location and situated just by the fence along Dairy Flat Highway. Surface finds of broken pieces of glass, typical of the 19th Century were found. The coordinates of the mound were taken by Handheld GPS (E1747694 N5944403±3m). From available information it would seem likely that this could represent a rubbish dumping area for the Kelly homestead and public house.

**Condition of the site**

Updated 14/04/2023 (Field visit), submitted by sarahphear , visited 24/03/2023 by Phear, Sarah

Archaeological remains located subsurface in good condition in the northern portion of the site; likely to be modified and truncated across the majority of the property where testing was not possible (ie. where the modern house is located, paved garden, driveway and access way and modern barn).

Updated 23/05/2019 (Field visit), submitted by robertbrassey , visited 21/11/2017 by Brassey, Robert

Updated 23/11/2015 (Field visit), submitted by rodclough, visited 22/10/2015 by Cameron Ellen; Shakles Richard

Modern house and landscaped garden, farm building and pond construction and cattle grazing have all impacted on the ground surface in the area. The concrete blocks described in 1992 were relocated in 2015. An area where a possible well was identified in 1992 was found to be overgrown, but area was not developed. Traces of dwellings and house terrace mentioned in 1992 could not be relocated.

Updated 23/11/2015 (Field visit), submitted by rodclough , visited 22/10/2015 by Cameron Ellen; Shakles Richard

Modern house and landscaped garden, farm building and pond construction and cattle grazing have all damaged the site. The concrete blocks described in 1992 were relocated in 2015. An area where a possible well was identified in 1992 was found to be overgrown, but area was not developed. Traces of dwellings and house terrace mentioned in 1992 could not be relocated.

The buildings are no longer standing, however, a number of possible traces of the dwellings remained including a possible house terrace. Some historic concrete blocks were arranged around the end of farm track turning circle.

**Statement of condition**

Updated: 19/05/2016, Visited: 22/10/2015 - Below surface - Surface evidence has been obliterated, however, there is likely to be subsurface material present. Note that this is different from a destroyed site.

**Current land use:**

Updated: 19/05/2016, Visited: 22/10/2015 - Grazing, Rural residential

**Threats:**

Updated: 19/05/2016, Visited: 22/10/2015 - Farming practices, Property development

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

**SITE RECORD INVENTORY**

**NZAA SITE NUMBER:** R10/737

Supporting documentation held in ArchSite

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Locations of surface finds at 1636 Dairy Flat Highway; red circle indicates the raised area described in the text and black arrows pointing to other locations (source of aerial photograph Google Earth).



NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

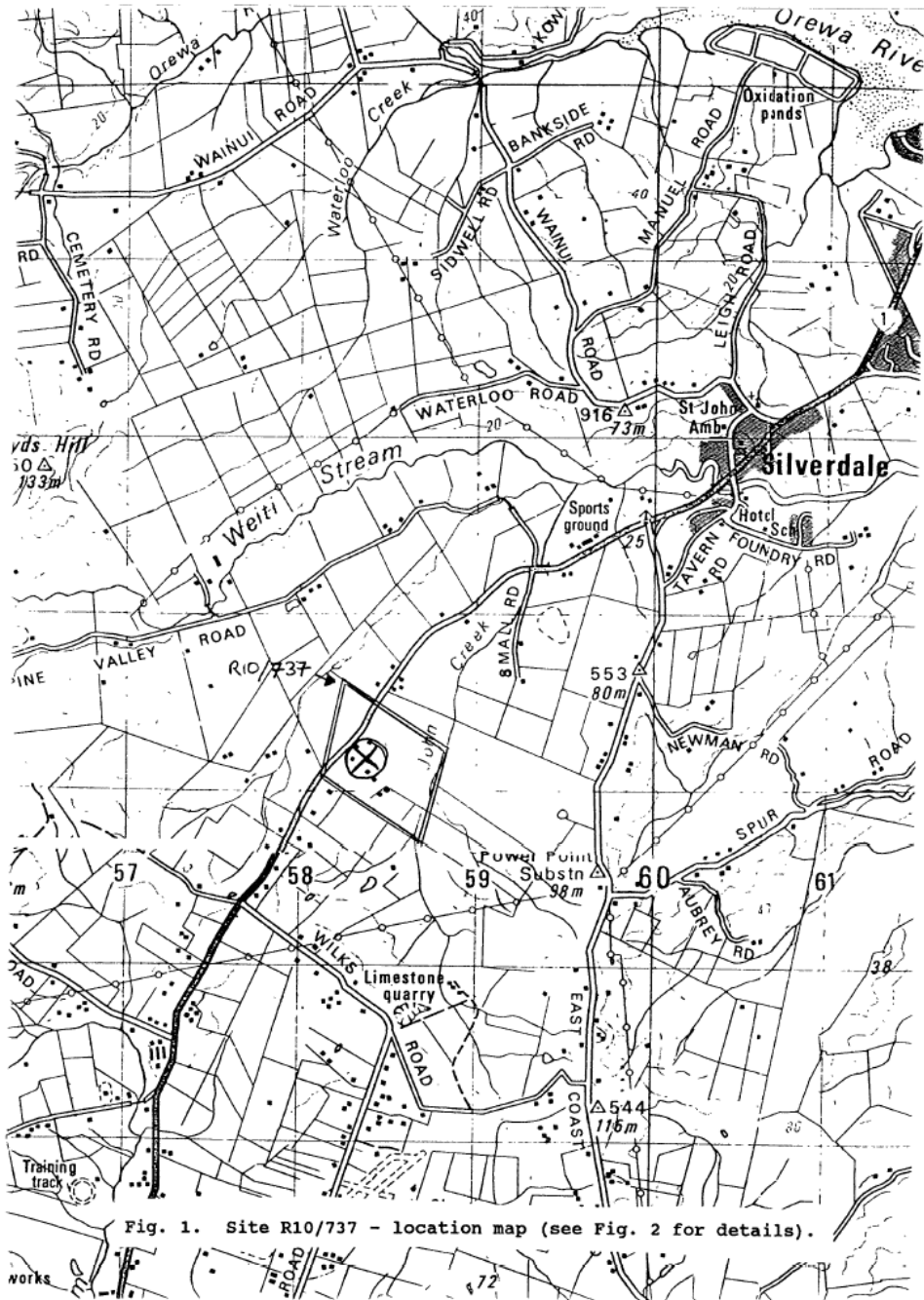
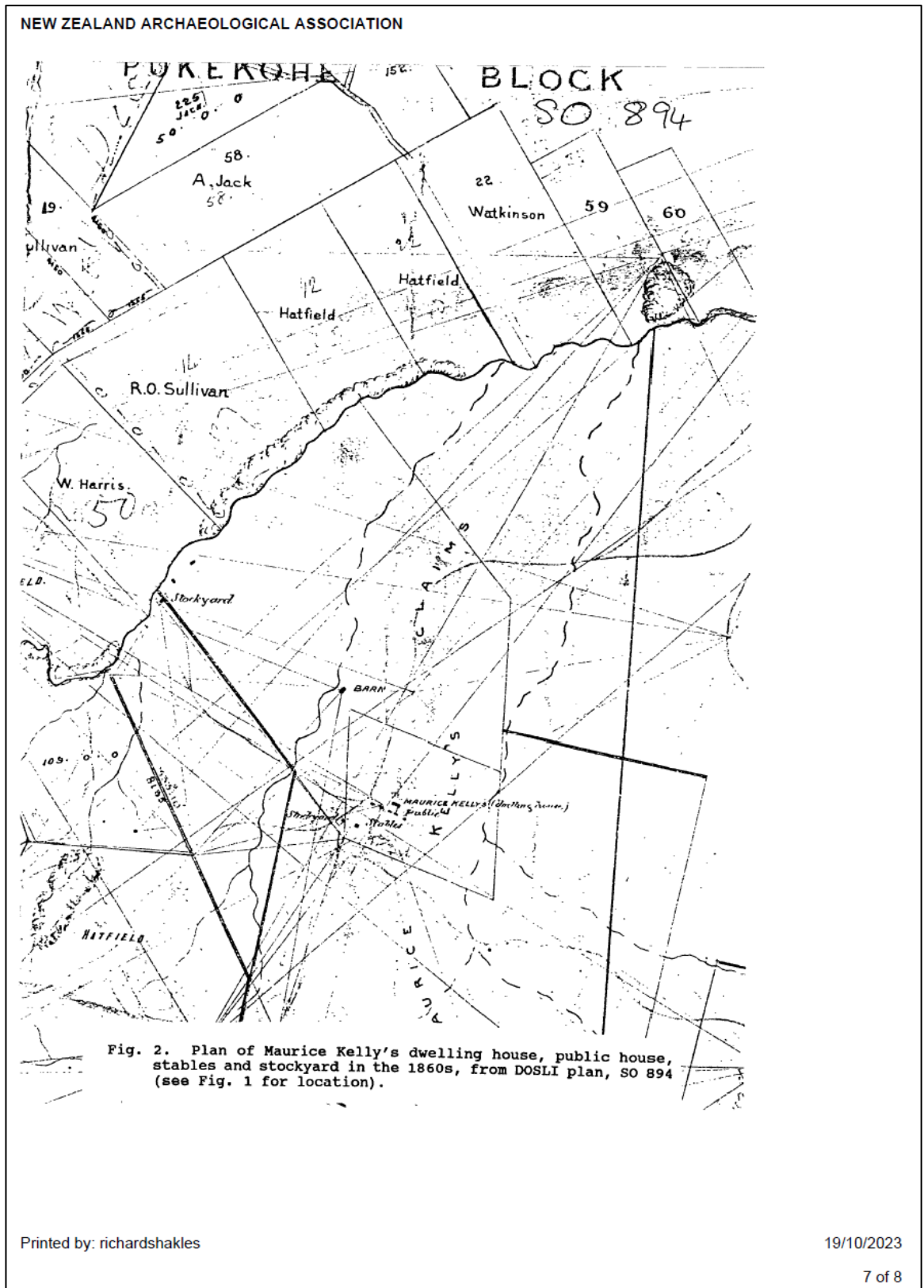


Fig. 1. Site R10/737 - location map (see Fig. 2 for details).





NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

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<p><b>NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION</b>  <b>SITE RECORD FORM (METRIC)</b>          Metric map number: R10          Metric map name: Whangaparaoa          Metric map edition: 1</p>	<p>NZAA METRIC SITE NUMBER R10/737          DATE VISITED:          SITE TYPE: Historic buildings <i>1000/10000/1000</i>          SITE NAME: MAORI:          OTHER:</p>																	
<p>Grid Reference Easting <input type="text" value="2"/><input type="text" value="6"/><input type="text" value="5"/><input type="text" value="8"/><input type="text" value="3"/><input type="text" value="0"/><input type="text" value="0"/> Northing <input type="text" value="6"/><input type="text" value="5"/><input type="text" value="0"/><input type="text" value="6"/><input type="text" value="2"/><input type="text" value="0"/></p>																		
<p>1. Aids to relocation of site (<i>attach a sketch map</i>):</p> <p>Near Silverdale, on the east side of State Highway 1 approximately halfway between Wilks Rd and Small Rd junctions. Part Lot 4, DP 27443 (see Fig. 1 location map).</p>																		
<p>2. State of site and possible future damage:</p> <p>Several buildings on the site.</p>																		
<p>3. Description of site (<i>Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here</i>):</p> <p>'Maurice Kelly's (dwelling house) Public [house] Stables Stockyard' marked on an 1860s plan (Dept of Survey &amp; Land Information, SO 894) - see Fig. 2, detail from plan.</p> <p>Maurice Kelly (1785-1889) was one of the earliest settlers in the Silverdale/Orewa area, and owned more than one inn or public house (H. Mabbett, <u>The Great North Road</u>. Wellsford 1981: 14, 35-37).</p>																		
<p>4. Owner: Robert &amp; John Wooley      Tenant/Manager:          Address: c/o R.G. Wooley      Address:          Main Road, RD 2          Albany</p>																		
<p>5. Nature of information (<i>hearsay, brief or extended visit, etc.</i>): Historic research          Photographs (<i>reference numbers</i>):          Aerial photographs (<i>reference numbers, and clarity of site</i>):</p>																		
<p>6. Reported by: Sarah Macready      Filekeeper:          Address: Dept of Conservation      Date: <i>4 / 10 / 2023</i>          Auckland</p> <p style="text-align: right;">\$ 5 00</p>																		
<p>7. New Zealand Historic Places Trust (for office use)</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; padding: 2px;">E</td> <td style="border: 1px solid black; padding: 2px;">S</td> <td>Type of site</td> <td style="border: 1px solid black; padding: 2px;">—</td> <td style="border: 1px solid black; padding: 2px;">—</td> <td rowspan="3">present condition and future danger of destruction</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">G</td> <td style="border: 1px solid black; padding: 2px;">I</td> <td>Local environment today</td> <td style="border: 1px solid black; padding: 2px;">M</td> <td style="border: 1px solid black; padding: 2px;">S</td> <td rowspan="2">Local body</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">A</td> <td style="border: 1px solid black; padding: 2px;">G</td> <td>Land classification</td> <td></td> <td></td> </tr> </table>		E	S	Type of site	—	—	present condition and future danger of destruction	G	I	Local environment today	M	S	Local body	A	G	Land classification		
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