Porirua ki Manawatū Inquiry District:

Local Government Issues Report

(Wai 2200, #A193)

Presentation Summary
for Ngati Raukawa and affiliates phase of inquiry

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A report prepared for the Porirua ki Manawatū Research Programme and commissioned by the Crown Forestry Rental Trust

1. Introduction

My report, which concerns local government issues in the Porirua ki Manawatū inquiry district, was prepared as a district-wide report. For the purpose of this phase of the inquiry, this summary concerns what I understand to be Ngati Raukawa and affiliate claim issues. It concentrates on the area of the inquiry district north of the Ngarara block.

Five main issues have been identified: Māori representation on local authorities; rating; the Foxton Harbour Board's involvement with the Papangaio block; zoning; and the demolition of Māori housing at Kai Iwi Pa.

2. Structure of report

My report is organised by local authority as local government issues are complicated by the large number of local authorities that had jurisdiction over the inquiry district. I begin with an overview of the development of local authorities from the nineteenth century including a discussion of the voting system and whether Māori were elected to any of the local authorities in the inquiry district. I follow this with an overview of rating and local authority planning legislation including the Resource Management Act 1991. Chapters then cover the different local authorities in the district.

The chapters of most relevance to this phase of the inquiry are chapters 4 to 9 which cover local authorities with jurisdiction in the inquiry district north of the Ngarara block. The penultimate chapter of the report discusses Māori forms of self-government as provided by twentieth century legislation. The conclusion brings together all issues discussed in the report.

3. Relevant local authorities

Up until 1989, a varied range of local authorities had jurisdiction over the inquiry district. These included highway boards, road boards, county councils, county town committees, borough councils and harbour boards.

Highway boards established by the Wellington Provincial Government were the first local authority units within the Porirua ki Manawatū Inquiry District. The very first, the Manawatū

Highway Board, was established in 1872. Other highway boards, later called road boards, followed including the Manchester Road Board and Otaki Road Board.[1]

In 1876, the Provincial Government was disestablished and local governance took the form of a system of counties. The Manawatu County Council was one of the first counties established and it had jurisdiction over the western side of the north island from the Waikanae River to the Rangitikei River. The southern part of the Manawatu county was taken over by the Horowhenua County Council when it was established in 1885. It had jurisdiction over the area north of the Waikanae River as far as the Manawatū River until 1989. County councils north and east of the Manawatu county in the inquiry district included Kairanga, Oroua, Rangitikei, Kiwitea and Pohangina.[2]

Other local authorities relevant to this phase of the inquiry are the Otaki Town Board (established in 1912), the Otaki Borough Council (established in 1921) and the Foxton Harbour Board (first established in 1876).[3]

In 1989, when local government in New Zealand was re-organised, the Rangitikei, Manawatū, Horowhenua and Kāpiti Coast District Councils were established.[4]

4. Māori representation on local authorities

Evidence has been found of just one Māori councillor elected prior to 1989 for the aforementioned counties, highway and road boards. The single councillor was Te Aputa Kauri, the great-granddaughter of Wi Parata. Mrs Kauri was elected to represent the Waikanae Riding of the Horowhenua County Council between 1980 and 1983.[5]

The local authority voting system is likely to have contributed to why road and highway boards and county councils in this district were dominated by Pakeha. The system set up by the Crown was not designed to ensure that each and every Māori adult in these counties had the

[1] Suzanne Woodley, 'Porirua ki Manawatū Inquiry District: Local Government Issues Report', A report prepared for the Porirua ki Manawatū Inquiry and commissioned by the Crown Forestry Rental Trust, 9 June 2017, pp. 93-94, 216, 304.
[2] Ibid, pp. 20-22, 152, 216-327, 452.
[3] Ibid, pp. 29, 270-271, 316, 323-324,
[4] Ibid, pp. 216-217, 452.
[5] Ibid, pp. 454-455.

opportunity to vote and have their views represented. From 1878 until 1944, only those named as 'occupiers', in the valuation roll for a county could vote. This was generally one person. The valuation roll requirement was problematic for Māori and often meant their exclusion from the voting process. Reasons for exclusion from the valuation roll included the way that Māori land was rated, the non-payment of rates by some Māori occupiers of Māori land, the failure to provide a system that took account of multiple ownership of Māori land, and the inability of counties to consistently provide correct occupier information.[6]

Even after 1944, when every adult county resident was entitled to vote (as opposed to just the occupier named on the valuation roll) weighted voting remained. Those with more valuable land were effectively entitled to extra votes. The bias in favour of wealthy land-owners tended to favour Pakeha and continued until 1974. As well, plural voting, which continued until 1986, meant that a person who owned properties in more than one riding of a county was entitled to additional votes.[7]

In addition, local authority Acts contained no requirement designed to overcome the inherent disadvantages faced by Māori in participating in local authority decision-making. There was no requirement, for example, of providing a means for iwi or hapu representation. The lack of Māori county councillors meant that Māori were largely absent from county decision-making and their views were not effectively represented.

The voting process for borough councils such as Otaki was different to that of counties so that by 1910, those resident in boroughs could vote and every adult, regardless of how much their property was worth, were entitled to one vote only. With the exception of Otaki, the majority of Māori did not live in these boroughs at this time. The voting system, combined with the relatively high Māori population of Otaki, appears to have facilitated the election of a number of Māori Otaki borough councillors from a relatively early stage though initially just for short periods of time (1923 to 1927 and 1935 to 1938). From 1943, Hema Hakaraia was elected and served on the council for the next 28 years though always as the only Māori councillor. Māori were also elected to Levin and Shannon Borough Councils from the 1950s.[8]

[6] Ibid, pp. 22-24.
[7] Ibid, pp. 25-29.
[8] Ibid, pp. 29-31.

With respect to towns in the inquiry district, the only reference found regarding Māori commissioners was in the town district of Otaki (prior to becoming a borough) where Māori were elected as commissioners between 1916 and 1920 but again, just one Māori served as a commissioner at any one time.[9]

5. Rating in the nineteenth century

Local authority rating helped support and direct the provision of services and infrastructure at a local community level. The rating of Māori land in the district began by 'notification' in the form of the publication of a gazette notice under the Crown and Native Lands Rating Act 1882 claiming rates from owners of Māori land as recorded in the valuation rolls of that county. No evidence has been located that any rates were paid directly by Māori under this system but the intention of the Act was that the sum be recovered when the rated land was alienated.[10]

In this way, county councils such as Manawatū received at least £1123 from the Crown between 1882 and 1884 and Horowhenua received around £658 between 1885 and 1887. The Manawatū County Council used the rates received from Māori land under this system for the Foxton to Sanson tram. This was not a service or infrastructure specifically for Māori but was instead designed to assist European settlement. The 1882 legislation proved expensive for the Crown and was considered unsustainable. It was repealed in 1888.[11]

6. The Magistrates' Court

The extent to which Māori land was rated gradually increased so that by 1910, all Māori freehold land, with few exceptions could be rated. Indeed, the Rating Act 1910 did not specifically provide for the exemption from rates of marae – a provision not introduced until 1924. This meant that most Māori land could be rated regardless of whether the land was revenue producing or not, the purpose it was used for, or whether the owners were in a position to pay the rates.

County councils such as Horowhenua, Kairanga and Oroua (though not Manawatu) and Town districts such as Otaki pursued rates during the early twentieth century by taking Māori to the

[9] Ibid, pp. 32-33.
[10] Ibid, pp. 36-43.
[11] Ibid, pp. 40-43, 236-238, 456-457.

Magistrates' Court. It was problematic as unlike the Māori Land Court, where there was a check that a title actually existed or was correct, the Magistrates' Court did not have the means to check title details and were completely reliant on the valuation rolls and information accrued by the respective councils. These were often unreliable.

The first judgement made for non-payment of rates from the Magistrates' Court located in the inquiry district was in respect to Otaki township land in 1915. In total 79 judgements were ordered but according to the town clerk who spoke about the judgements over ten years later, he could not, without spending hours checking at the Magistrates' Court, match those judgements against the land concerned. This too showed a system lacking in checks and balances whereby a fine could be imposed but that the local authority concerned could not even say what land it related to. He could claim, however, that almost £134 was owed.[12]

7. Exemptions

It was always possible under various legislative provisions to exempt Māori land from rating. Councils in the inquiry district did sometimes exempt areas of Māori land but this was not applied consistently by councils and nor were they required to consider doing this on a regular basis.

Māori leaders attending a a hui at Foxton in 1928 passed a resolution asking the government to introduce a land classification system where Māori land was assessed to determine whether it could support rates. The resolution stated that legislation should be enacted that exempted all unoccupied Māori land and that the Māori Land Court, prior to making charging orders for rates already levied, should 'be perfectly satisfied that such lands can be profitably utilised'. No such legislation, however, was introduced as a result of this resolution.[13]

Similarly, Apirana Ngata told Otaki Borough officials in 1928 that Māori land should be rated the same as European land only when conditions were the same. He outlined the problems Māori had with multiple ownership, and the complications that ensued with the use of the valuation roll as the means for the council to identify owners from whom to levy rates. Ngata

[12] Ibid, pp. 318-319.
[13] Ibid, pp. 54-55.

also spoke of the difficulties Māori had in relation to the ability to pay and ability of land to support rates. He too supported a system of classification of lands noting that there was much Māori land that should not be rated at all.[14]

Suggestions made by the government appointed Native Rates Committee of 1933 that all local authorities should consider using the exemption provisions of the Rating Act 1925 (section 104) for land that was difficult to develop or should be conserved was never taken up by most of the councils in the inquiry district. This was despite the Horowhenua County Council acknowledging to the Committee that it was rating such land. The Horowhenua county clerk explained he was reluctant to do so in case the publicity for such exemptions made it more difficult to collect rates from those Māori who paid.[15]

No evidence of any formal exemptions by the Horowhenua County Council have been located at this time or subsequently. Likewise, there have been no instances found where the Oroua County Council or Kairanga County Council formally exempted any land from rates due to its inability to generate sufficient income. The only formal exemptions were for lands containing urupa or marae.[16]

The exceptions were the Otaki Borough Council and the Rangitikei County Council though it took the Otaki Borough Council until 1953 to exempt just two sections from rates. These sections, totalling nine acres, were described as 'raw sand dunes with no revenue producing possibilities at all' and 'old river bed and worthless in value'. Although the exemptions made by the Rangitikei County Council in 1947 were more extensive, they did not affect much inquiry district land (around 353 acres out of almost 59,000 acres).[17]

While there was provision from 1924 to exempt Māori land from rates due to an owner's 'indigent' circumstances, evidence of councils exempting land due to indigency under this legislation is also slim. In 1928, the Otaki Borough Council remitted rates on the grounds of indigency but only in three cases (at the same time they had asked for around 90 charging orders). Only half the rates were reduced, and it appeared to be a one-off.[18]

[14] Ibid, pp. 342-345.
[15] Ibid, pp. 470-479.
[16] Ibid, p. 479.
[17] Ibid, pp. 59-61, 391-392, 843-844.
[18] Ibid, pp. 141, 327-330.

8. Rating Liens

Rating liens were introduced in 1913. The liens could be registered against the land if the rates levied remained unpaid for more than nine months. The owners were prevented from leasing or selling or dealing with their land until the lien was discharged. Evidence of the use of liens in the inquiry district has been located in respect to the Oroua County Council who registered two liens in 1916 across the entire Reu Reu 1 block which then comprised 2546 acres. As there was no requirement to do so under the Rating Amendment Act 1913, the council made no attempt to determine the lands ability to support rates. It is also not known whether Māori were advised personally of the lien at the time it was made. Rating liens remained on the title of these blocks so that in 1955, when Reu Reu 1 section 22 was sold, rates were deducted from the purchase price. This was forty years after the lien was registered.[19]

9. Charging orders

The charging orders referred to at the Foxton hui in the 1920s were those introduced under the Native Land Rating Act 1924 (later section 108 of the Rating Act 1925) whereby a charge against the land for unpaid rates could be registered against Māori land by the Native (later Māori) Land Court.

The Horowhenua County Council pursued rates on Māori land by successfully applying to the Māori Land Court for hundreds of charging orders from 1927. It was typical for Court information to be cursory with often just the name of the block and amount of the charging order recorded in the minutes. It was typical too for little or no assessment to be made as to whether the land could realistically produce sufficient income to pay the rates levied or the circumstances of the owners. Court minutes also show that when these applications were considered by the Court it was rare for the Māori owners to be in attendance. It was assumed as well that the rates had been levied to the correct person. This was despite ongoing issues with the accuracy of the valuation rolls for Māori land with entries not always accurately reflecting partitioning, successions or alienations. The Horowhenua County Council continued applying for charging orders for unpaid rates on Māori land until 1976.[20]

[19] Ibid, pp.120-122, 140, 839-840.
[20] Ibid, pp. 51, 466-470, 477, 482-485, 495, 584-585.

Like liens, charging orders made against Māori land remained on the title until paid. There are examples of charging orders being discharged thirty years after they were ordered.[21]

10. Receiverships

The Horowhenua County Council pursued receivership orders for non-payment of rates from 1941. It had been noted by the Horowhenua council's solicitor in 1940 that the Court had previously been reluctant to pursue receivership orders but the position had changed. The solicitors told the council that receiverships would make a great impression on Māori when they discovered that non-payment of rates could lead to the loss of land. More accurately this meant loss of owner control over the lands. Receiverships meant the land was vested in the Māori Trustee or county clerk so it could be leased to make sufficient income to pay off the rates demands.[22]

The Horowhenua County Council pursued receivership orders in the same manner as it did charging orders - in bulk with no obvious examination of the land and in the absence of owners. In the 1950s, after 54 receivership orders were made at one hearing, a Department of Maori Affairs official complained that if any reasonable enquiry had been made by the council, it would have found those who occupied the lands, and collected the rates and that this would have saved the time of the Court and officers of the department. It was also found that many of the occupiers had not received their rates demands and that receiverships were being sought for small amounts. In addition, officials said that after initial enquiries had been made it was found that 'no income could be obtained from the land involved so that … [no one] obtained any benefit from the order'. Officials suggested to the Court that it should curtail the number ordered but this was not done. The policy at this time therefore was that receiverships were made when rates were not paid even in respect to land where rental monies from a lease would not cover the rates or where the land just simply could not be leased.[23]

[21] Ibid, p. 598.
[22] Ibid, pp. 486-499.
[23] Ibid, pp. 486-499.

11. Rating in Otaki

The response by the Crown to the complaints of the Otaki Borough Council about the non-payment of rates by Māori in the 1920s was to vest over 200 acres within 135 sections of Māori land in the Ikaroa Maori Land Board. The land vested comprised 80 percent of the total value of Māori land in the borough.

Otaki had become a borough in 1921 (it had previously been a town) without the support of Māori who made up 25 per cent of the population. One of the concerns was that the change to borough status would result in rates rises. The newly formed Otaki Borough Council embarked on drainage and sewerage projects which involved raising loans totalling £44,200. Due to bad planning, these schemes had to be 'virtually abandoned' in 1925. In the meantime (between 1921 and 1926) rates trebled.[24]

The Council blamed its financial problems on the non-payment of rates by Māori. The Council was told by Raukawa Maori Council chair Rere Nikitini that Māori land in the borough was being rated that would never be revenue producing and asked for this land to be exempted. Mr Nikitini also referred to many Māori who could not afford the rates. The council were present when an official of the Native Department, reflecting on the marked increase in rates, said that rates on Māori lands in Otaki were so high and the 'potential revenue so low' that to continue to levy them 'looked remarkably like confiscation in a most insidious form'.[25]

The Otaki Borough Council was not, however, prepared to compromise pushing instead for Māori land, where there were arrears of rates, to be sold. The response from Māori was not to pay. Those who did not pay included ex Town Board and Council members as well as hapu leaders. One owner said that Tiemi Rikihana, who had been a borough councillor between 1923 and 1925, had advised them not to pay. It is possible, therefore that there was an element of protest to what was almost an across-the-board non-payment of rates by Māori in the 1928-1929 financial year (just 1.63 percent of that levied on Māori land in the borough was paid). It is also possible, however, that it was a continuation of a pattern of non-payment due to the factors identified by Ngata such as the economic situation of the owners and inability of land

[24] Ibid, pp. 323-326.
[25] Ibid, pp. 350-351.

to support rates. Rather than address the borough's poor fiscal performance and its failure to properly utilise exemption measures, the government instead vested the land in the Ikaroa Maori Land Board and later the Maori Trustee.[26]

By 1956, around 62 of the 135 sections (about 46 percent) remained vested in the Maori Trustee. This was when the District Officer of the Department of Maori Affairs at Wellington, frustrated with the amount of time the department spent administering the lands, asked the Maori Trustee for the sections to be re-vested back in the owners. The Maori Trustee described himself as a 'poorly paid rate collector' and admitted that 'for the most part' owners were not 'gaining a great deal by his administration of the Blocks'. It was acknowledged that the Trustee had only just begun to set rentals at a market rate (as opposed to at a level where they would only cover the rates). This meant that most owners had never received any revenue from their land and that any money earned from the land in the previous 30 years had gone instead to the Otaki Borough Council. Therefore, it had taken 30 years for the board, and later the Maori Trustee to even attempt to obtain the full rental value of the block. It was also noted in 1956, again, thirty years after the land was first vested, that the occupancy of a few of the sections remained 'obscure'. All these factors raises questions about the effectiveness of the Ikaroa Maori Land Board, and later the Maori Trustee's administration of Otaki vested lands.[27]

12. Vesting for compulsory sale

From 1963, the Horowhenua County Council and the Otaki Borough Council successfully applied to the Māori Land Court for vesting orders under section 109 of the Rating Act 1925 and section 438 of the Māori Affairs Act 1953 (substituted from 1968 by section 142 of the Māori Affairs Amendment Act 1967) so that the land could be not just compulsorily leased but sold. Prior to 1967, section 109 and section 438 orders were made by the Court and confirmed by the Minister of Māori Affairs. From 1968, ministerial consent to such orders was no longer required. Of note is that other counties in the inquiry district, including the Kairanga, Oroua and Manawatū counties, did not utilise this legislation.[28]

[26] Ibid, pp. 441-443.
[27] Ibid, pp. 444-446.
[28] Ibid, pp. 414-440, 501-592.

Seventy-two vesting orders were made on the application of the Horowhenua County Council between 1963 and 1975 that compulsorily vested Māori land in the Māori Trustee or the Māori rates collector for the council, JH Flowers, for the purpose of sale. Fifty-nine of the blocks were sold. Ten orders were made at the instigation of the Otaki Borough Council between 1963 and 1970 and all ten blocks sold.[29]

These applications had no protective measures for the owners. There was no requirement to inform all or any of the current owners of the proposed vestings, for example, or even to check to ensure that rates had been correctly levied on the current owner at the correct address. Nor was there any requirement to ensure that the owners received a fair price for their land at the current valuation when land was sold. There was also no provision once the vesting order was made for sales to be halted if owners were located and undertook to pay the rates arrears. It was acknowledged by the Department of Maori Affairs in 1967 that the whole object of the exercise was:

> … in law, to get the rates paid without any concern for the welfare, wishes or interests of the former proprietors of these lands.[30]

The aim instead was to recoup the rates for the local authority.

Much of the land in the Horowhenua county affected by vesting orders was small, undeveloped sections with multiple owners. In many cases the council did not have up-to-date owner and occupier information. Some owners who were located did not have the means to pay the rates or develop the land. Very few of the sections had a dwelling or any sort of building on the land. Many had limited access or were landlocked. Vestings were also made in respect to land where succession orders had not been made since the 1890s and early 1900s. Few attempts were made to appoint successors and correctly identify current owners prior to the land being vested for compulsory sale. Other vestings were made in respect of land where succession orders were more recent but the Horowhenua council rates collector, Mr Flowers, claimed he could not locate the owners. In the late 1960s, an official admitted that there had been three instances where the owners had only found out about the vestings when the sales were almost completed.

[29] Ibid, pp. 501-592.
[30] Ibid, p. 524.

Concerns about the large numbers of these applications were raised by a Māori Affairs official in April 1968. He noted that while legally councils could sell the land when vested, 'morally' their actions were problematic. He pointed out that to many people, the sales appeared to be 'something very like confiscation' and was concerned that the council had not taken 'all reasonable steps' to recover the rates and then had 'mis-represented the sale potential of the land'. Not all officials shared his concerns, accusing him of being 'over scrupulous' and supporting the right of the local authority to ask for orders which, if the Court granted them, had to proceed to a sale.[31]

13. Current Rating legislation

The Manawatu, Horowhenua and Kāpiti Coast District Councils all have policies relating to the remission of rates on Māori freehold land today. The policies of the Horowhenua and Kāpiti Coast acknowledge and support the 'relationship of Māori and their culture and traditions with their ancestral lands' and aims to avoid the alienation of any further Māori land. They also specify that rates can be remitted where there is no occupier or person gaining an economic or financial benefit from the land. The policy of the Manawatu District Council, however, is not to provide for remissions or postponements in relation to Māori freehold land.[32]

14. Papangaio and the Foxton Harbour Board

A significant issue with the application of local authority powers within the inquiry district was the trespass of Papangaio J, located at the mouth of the Manawatū River by the Foxton Harbour Board. From at least the 1940s the Board leased the Māori owned land and allowed the building of homes by the lessees on the land – all without the permission of the owners.[33]

In the late 1950s, the Department of Lands and Survey, blaming the situation on a lack of accurate survey data, undertook to purchase the land from Māori. The option of Māori retaining the land was raised by officials but never progressed. Part of the motivation by the Crown to purchase the land was to provide security of tenure to the leaseholders and for the Manawatu

[31] Ibid, pp. 555-557.
[32] Ibid, pp. 259-260, 593-596, 697-699.
[33] Ibid, pp. 268-301.

County Council to be able to develop the area as it desired. It is difficult to categorically state that the sale was what was wanted by all the owners. Certainly, there appeared to be a group of owners represented by a lawyer, Mr Simpson, who were said to be agreeable to the sale.[34]

There is also a question concerning the adequacy of the compensation. Correspondence from the Department of Lands and Survey suggests that while the department felt that Māori were getting an adequate deal (£20,000 between 305 owners) the owners could have received more. The department's desire to avoid having the Māori Land Court assess the compensation and preference for special legislation to confirm the purchase also suggests that the department felt that a larger amount of compensation would have been awarded had the compensation been assessed in this way. The department also ensured that the solicitor for the owners received £885 in fees which was far more than any one owner would have received.[35]

15. Zoning issues

Town and country planning legislation impacted on the ability of Māori to partition land in the inquiry district into smaller areas for housing during the 1960s and 1970s. The Town and Country Planning Act 1953 required county councils to prepare district plans. Under the Maori Affairs Act 1953, the Maori Land Court had to take into account or have regard to the district plan when making partition orders but did not have to have the express permission of the county. The Maori Affairs Amendment Act 1967, however, made it compulsory for counties to approve a scheme plan before partition orders by the Maori Land Court could be confirmed. It was not until the introduction of the Town and Country Planning Act 1977, that Māori values had to be taken into account during the preparation of district plans.[36]

District plans specified how each area within a county was zoned. The Oroua, Kairanga and Horowhenua district plans of the 1950s, 1960s and 1970s zoned much of the Māori land within their boundaries rural. Rural zones within the three counties all had restrictions on the area allowed for a subdivision. The restriction on the size of subdivisions for Oroua and Kairanga counties was initially ten acres which increased to 50 acres in the early 1970s. The Horowhenua county subdivision size restriction was initially five acres but later increased to ten acres.

[34] Ibid, pp. 268-301.
[35] Ibid, pp. 268-301.
[36] Ibid, pp. 75-84.

Arguments for restricting the area of a subdivision in the rural zone included preventing 'sporadic subdivision and urban development', the containment of urban growth within existing towns and boroughs and so that land did not become fragmented into uneconomic areas unsuitable for farming.[37]

Each county approached applications from Māori for small subdivisions for housing differently. The Horowhenua County consented to such applications in the 1950s and early 1960s. Two applications in 1964, indicate that from then on until at least the late 1970s, applications for the subdivision of areas less than five acres (later ten acres), would not be approved. Arguments that such subdivisions encouraged better housing conditions for Māori were not, at that time, accepted. The council was also under pressure from the Ministry of Works who promoted and enforced this policy. By 1988, similar applications were again being approved.[38]

Similarly, partition applications made to the Oroua County Council were declined from around 1967 until 1980. With respect to the Kairanga Council, it took seven years and three sets of applications for the council to agree in the 1970s to partition off an existing house because the proposed area was less than fifty acres and located on the state highway. That this was Māori land where the Aorangi Marae was situated and that the partition was for an owner who had undertaken to look after the marae was not taken into consideration by the council or the Ministry of Works to whom the application had been referred. There was a change in the Council's position, however, in the late 1970s.[39]

Māori land owners in Otaki in the 1960s were also impacted by the zoning decisions of the Otaki Borough Council. One area of Māori land that was compulsorily vested in the Maori Trustee for sale was re-zoned to facilitate its sale. Māori land zoned residential but used for gardening remained zoned this way despite the council acknowledging that if it was placed on the urban farm land list, rates on the land would be reduced by 20 per cent. As the land could not be leased for more than the rates charged by the council it was compulsorily vested in the Maori Trustee for sale.[40]

[37] Ibid, pp. 75-84.
[38] Ibid, pp. 609-620.
[39] Ibid, pp. 142-151, 199-214.
[40] Ibid, pp. 434-435, 831.

The zoning of Māori land was also of concern for owners of Māori land at Otaki in 2017. The Pahianui B5A block has been zoned industrial for several decades by the Kāpiti Coast District Council. This is despite there being no desire on the part of the owners to utilise the land for this purpose. Yet, this is what they are restricted to. The land is therefore unable to be utilised by the owners (though it is still rateable).[41]

16. Kai Iwi Pa

Another issue with the application of local authority powers in the inquiry district was the role that the Kairanga County Council played at Kai Iwi Pa near Feilding whereby houses were demolished and funding for new houses was only provided to those who re-located elsewhere. Housing at Kai Iwi Pa in the 1950s was in a bad way and many Māori at Kai Iwi told government officials that they wanted to improve their housing situation by building new homes at Kai Iwi. The Department of Maori Affairs decided, however, that anyone at Kai Iwi who wanted the assistance of the department to obtain improved housing had to move elsewhere. The argument was that employment of Kai Iwi residents was at Feilding and so this was where they should live. Another view was that if the papakainga was 'perpetuated' then it was likely that it would become 'squalid again'. It was also argued that Kai Iwi was a depressed area from both a housing and drainage point of view with it being impossible for houses to get sufficient drainage for septic tanks. The Kairanga County Council became involved when the council was asked by Health and Maori Affairs Department officials to issue closing and demolition orders. One of the issues at Kai Iwi was that when a house was vacated, another family moved in, thereby continuing the cycle of those living in poor housing conditions. If a closing order was issued the house had to be improved before anyone could move back in. If it was demolished, then the problem was permanently 'solved'. While it was not the Kairanga County Council who made the decision not to provide funding for new houses at Kai Iwi, the council was the agency who supported the policy through the issue of closing and demolition orders. This was a policy that impacted on the ability of Māori to live on their land near their marae. The period when this occurred saw the reduction in the Māori population at Kai Iwi from 98 in 1956 to 12 in 1966.[42]

[41] Ibid, pp. 699, 832.
[42] Ibid, pp. 168-198.