
**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I
TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2200

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Porirua ki Manawatū Inquiry

**SUMMARY OF ENVIRONMENTAL AND NATURAL RESOURCES
ISSUES REPORT BY VAUGHAN WOOD, WAI 2200, #A196.**

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E TE KAIWHAKAWĀ, TĒNĀ KOE.

Introduction

1. In this summary, the Vaughan Wood Research Cluster provides a much abbreviated version of their full report on the environmental changes in the Porirua ki Manawatū inquiry district between 1840 and 2017. In keeping with the interests of the parties involved in the Ngāti Raukawa hearing, we have expanded on the discussion of some of the issues and evidence concerning the Manawatū and Horowhenua. The summary concludes with some observations on the Crown's Treaty obligations regarding environmental matters.

The setting up chapters (Chapters 2 to 4)

2. From Pukerua Bay northwards to the Rangitikei River, the areas closest to the coast were dominated by dunes, behind which lakes and wetlands formed on the alluvial floodplains. These gave way to lowland forest and small open clearings, while forest monopolised the hill country and mountain slopes to the rear as far as the snowline. At various intervals along the coast the beachfront was broken up by estuaries where the rivers running westwards met the sea.
3. Hapū and whānau were able to draw on a rich, if at times contested, range of resources. Forests in the lowlands and in the hill country provided food for a variety of bird life, which were harvested according to custom on a seasonal basis. Forests also provided materials for rongoa, for implements, for canoes, and for building. The wetlands and waterways provided a diversity of fish and wading birds, some available year-round, others when they migrated seasonally. Eels – longfin and shortfin – were both staple and taonga. The harbours and estuaries were home to shallow-water fish and shellfish and gave access to offshore fisheries. Dunes similarly provided a diversity of habitats for plant resources, especially those used for weaving. River levees and dune slopes offered sites for cultivation amongst the wetlands.
4. Into this world came the disruptive forces of colonisation and Pākehā settlement. At an almost unprecedented pace and scale, land, forests, and waters were transformed into sources of economic output. That transformation took place in a range of environments, including the scrublands, grasslands, forests and swamps of the North Island's west coast littoral. The large-scale transfer of land from Māori into Crown and settler ownership, the creation of new transport and

communication networks, and a new pattern of settlement, simultaneously marginalised the existing economy and dislocated its indigenous culture.

5. At first, the transformation of the west coast was driven by Wellington's politico-economic elite, anxious that Wellington should be the colony's capital and the prime urban centre of a large and fertile hinterland. That ambition was best expressed in Featherston's single-minded and ultimately successful effort to acquire the Rangitikei-Manawatu block. During the 1840s and 1850s small numbers of pastoralists had begun to occupy the region's fern and scrub lands, while Crown purchasing opened up the Manawatū from the 1860s to the small-farmer, following in the footsteps of timber millers and railway builders. The area around Waikanae largely escaped these first two phases of settlement but was involved in the third, as purchasing and subdivision swept through the Horowhenua lands made accessible from the 1880s by the Wellington and Manawatu Railway.
6. By 1915, the environmental transformation that had commenced in isolated pockets of the regions during the 1840s and 1850s had enveloped all but the steeper country to the east. Forest clearance and wetland drainage would continue well into the twentieth century, but by World War I, a populous and new landscape expressing new values and new priorities had practically replaced one that a mere 75 years earlier had been only lightly populated and barely modified.

The transformation of forests, wetlands and dunes (Chapters 5, 6 and 10)

7. Chapter 5 describes the removal of the forests, from small beginnings close to the Manawatū River and in the southern reaches of the district around Tawa, Porirua, and the Pauatahanui inlet. Large-scale deforestation of the Manawatū-Horowhenua lowlands began in the 1870s and was carried out by both settlers and millers as they followed the railway and road builders. By about 1900, with the destruction of the lowland forests practically complete, millers moved up into the eastern hills where they continued milling into the 1930s. Even though the implications of unbridled forest clearance for Māori, and for soil stability, water quality, and catchment and river management, had been known since the 1870s, the Crown discounted or ignored such consequences and costs in favour

of land settlement. The result was damage to the environment, and iwi and hapū suffered because customary resources were lost or destroyed.

8. Awahuri Bush/Kitchener Park was one of the forest remnants preserved on the Manawatū lowlands. Ten acres were purchased by public subscription in 1914 and the Scenery Preservation Society added 15 acres in 1915. This remnant forest was not secured from livestock or invasive weeds. Water ponding and silt deposition compounded the damage. Responsibility was divided between Feilding Borough and Lands and Survey Department. Better preservation has been provided since 2013 when the Kitchener Park Trust was established.
9. The draining of 90 per cent of the region's once extensive wetlands is described in Chapter 6. This was a slower transformation than the destruction of the lowland forests, but was marked by bursts of activity. In the lower reaches of the Manawatū River, the landscape formed by the Koputaroa, Moutoa, Makerua, Oroua and Taonui Swamps was progressively modified by land companies, flax millers, drainage boards and ultimately the Crown from the 1870s through until the 1960s. When finance was lacking, or high flax prices made wetlands worth keeping, the transformation stalled but it never went into reverse. Drainage of the 'sand country' wetlands proceeded in a similarly piecemeal fashion, with the smaller dune hollows targeted first, while in the twentieth century local and central government started modifying water levels of the larger dune lakes. Drainage was less well co-ordinated in the coastal margins to the south. Initially undertaken largely by landowners, it ramped up from the 1930s as earthmoving machinery became available for larger-scale projects. Overwhelmingly, drainage was driven by the belief that useless swamp was being converted into productive farmland.
10. Despite the importance of wetlands to Māori communities, iwi and hapū were largely marginalised from the drainage process. By the 1890s local hapū had lost much of their land, and this, together with a Native Land Court ruling in the Taonui Swamp case that the loss of eel fisheries did not warrant compensation, robbed them of the leverage needed to influence decision-making by the new ratepayer-based drainage boards. Certain Pākehā settlers kept some wetlands as habitats for birdlife, but did not see them as having intrinsic environmental value. It was only after most of the wetland was drained that a strong preservationist

ethic developed among public and officials. Today, their comparative rarity is an obstacle to Māori communities wishing to revitalise their customary uses in the future.

11. The impacts of Pākehā settlement on the ‘sand country’ were not as obvious, but were some of the earliest to manifest. By the 1870s the burning of vegetation, together with grazing and trampling by stock, had the effect of mobilizing numerous sand drifts among the younger foredunes. From the end of the 19th century, these sand drifts were combatted with introduced marram grass, while a determination to turn a profit from the foredunes saw afforestation along much of the inquiry district’s northern coast from the 1920s onwards. Further to the south, foredune ecosystems made way for seaside urban development, while the older dunes inland were occupied by pastoral farms. By the 1990s it was realised that marram grass was displacing indigenous sand dune flora, which prompted sporadic habitat restoration through plantings of pīngao and spinifex. The older inland dune systems have been the scene of greater changes in more recent times, with the hills and hollows making way for recontouring and irrigation. On the coast itself, erosion took over on the Kapiti coast as settlement infrastructure limited the supply or replenishing of beach gravels, but settlement density has allowed investment in a mix of coastal defence measures such as seawalls and sand replenishment. Further north, where accretion has occurred, coastal Māori landowners have faced legal battles to establish ownership of accreted land.

Managing the post-settler landscape (Chapters 7 to 8, and 11)

12. Chapter 7 focuses on three periods when the impacts from farming were at their greatest. In the first, logging into the eastern hills was followed by the establishment of farms from around 1900 to 1920. Tree roots, not removed by stumping, held the soil for a time, but higher rates of erosion blighted catchments for decades to come. Many of these hill country farms were abandoned in the 1920s and 1930s, and large areas reverted to second growth.
13. The emphasis changed to more intensive utilisation of existing farmland in the 1920s and 1930s. In each of the counties from Horowhenua to Pohangina, sheep numbers doubled or trebled between 1920 and 1960. The new farming systems, combining livestock and pasture improvements with the application of

lime and fertilizers, were promoted with great enthusiasm but little attention to possible environmental consequences. These changes were mainly confined to lowland areas, until the advent of aerial topdressing revived the prospects for developing marginal hill country lands. The promotion of high input farming of such country, supported by loans, grants and subsidies, was at its height in the final decade of our policy analysis, from 1975 to 1984.

14. Chapter 8 focuses on the natural mainland areas that escaped this transformation into productive settler landscapes. Few of these remnants were on the plains, downs, and terrace lands, as the 'frontier of development' reached into the lower slopes of the Ruahine and Tararua Ranges. Only the rugged character of the ranges and their importance as reservoirs of water for the burgeoning urban communities preserved them from the designs of millers and graziers. Parliament, through the Forests Act of 1874 and the Land Act in 1877, laid the foundation for the creation of State forests and State forest parks, and in 1881 the Crown, having acquired the Tararua block, declared 91,000 acres as forest reserves for 'climatal purposes.' By 1902 over 250,000 acres of the Tararua Range had been reserved. Although outside parties were involved in the management of the forest from 1955, the Forest Service remained indifferent to any suggestion that Māori should be formally represented, let alone consulted. Elsewhere in the Inquiry District, small reserves were established for reasons that had little to do with the cultural and historical importance of the sites concerned for Māori. The Conservation Act 1987 promised to give full effect to the Treaty of Waitangi partnership between Māori and the new Department of Conservation, but frequent restructurings and financial cuts in the Department since then have disrupted the process of relationship building.
15. Towards the end of the nineteenth century, the Government came under increasing pressure to acquire, for recreational purposes, various water bodies, among them the 62-hectare dune lake, Waiwiri (Lake Papaitonga), the ancestral home of Muaūpoko. In 1901, 11.5 hectares of forest around the lake were reserved, while in 1980/81 the Government acquired the lake, the islets, and the shoreline to create the Papaitonga Scenic Reserve. In 1981 Lands and Survey initiated a management plan. Ngāti Kikopiri of Ngāti Raukawa sought involvement in the reserve's management, prompting a debate over the participation of other iwi and indeed over whether Māori should have any

particular representation at all. A management plan was finally published in 1986: it merely nominated Ngāti Kikopiri as a group whose views would be sought on the reserve's management.

16. Another site of historical and cultural importance to Māori, Omarupapako, a remnant of semi-swamp forest, was vested in the Foxton Harbour Board in 1876. In 1921, 47.5 acres were declared a scenic reserve, while further areas were added to constitute the Omarupapako/Round Bush Scenic Reserve. In 1979, Lands and Survey offered to assist the Manawatu County Council (to whom control had passed) to prepare a management plan. The Department issued direct invitations to several local authorities and conservation groups, but not to Māori. In 1981, it assumed control of the reserve.
17. Both sites have been subject to recreational, developmental and environmental pressures, and both have suffered from passive management. Steps to conserve and manage them actively were not undertaken until the 1970s when Lands and Survey initiated management plans. Local authorities and conservation interests were consulted, but Lands and Survey did not seek direct engagement with or the participation of hapū. Both reserves are now managed by the Department of Conservation.
18. Chapter 11 looked firstly at the impacts of road, rail, and urban development, and secondly at the disposal of urban sewage. Some of the greatest impacts of urbanisation occurred in the surrounds of the Porirua and Pauatahanui estuaries. In the 1950s and 1960s, earthmoving equipment re-sculpted the Porirua landscape, with scant regard for the environment and no attempt to monitor airborne and waterborne discharges. As construction proceeded, the landscapes were scarred and large quantities of sediment found their way into the waters; as suburbs and industries were built, urban effluent also found its way into both estuaries. It was only in the 1970s that councils, DSIR, Ministry of Works and concerned scientists jointly found ways to halt environmental deterioration and restore damaged ecosystems.
19. Sewage disposal has been problematic in all of the towns and cities of the inquiry district. The Department of Health favoured discharge to water, and although disposal of human body-waste to water was strongly resisted by Porirua ki

Manawatū hapū, councils were encouraged to do this by Crown threats of court action, and by loans and subsidies to install schemes.

20. Three case studies of urban wastewater disposal have been examined in this chapter: Waikanae and the Waikanae estuary; Lake Horowhenua and the Hokio stream; and Porirua City and Tītahi Bay. These cases illustrate that Māori protests about the pollution of waters and the loss of māhinga kai span many decades, whereas Crown and local government awareness of the problem is very recent.

Resource management and heritage protection (Chapters 12 & 14)

21. In 1991 the concept of Treaty partnership was extended to planning processes. Chapter 12 describes how the new Resource Management Act (RMA) obliged planning authorities to recognise and provide for the relationship between Māori and their ancestral lands and waters, taonga, and wāhi tapu. The Act required applicants to consult with tāngata whenua when planned developments had significant effects on the environment. Statutory documents prepared by regional councils evidence a growing understanding of tikanga Māori, and some examples of partnership between councils and iwi. The RMA also signalled a change from activity-based to effects-based planning, which has allowed greater scope for controlling adverse impacts of activities such as farming. The RMA offers hapū a greater sense of tino rangatiratanga, but conversely, the ability to respond to planning processes has posed new resourcing and relationship challenges.
22. Where Māori communities have experienced adverse effects from past or existing activities, they have found it more difficult to defend their environmental interests. For example, under the planning legislation of the day, Ngāti Pareraukawa could not object to the siting, in 1975, of Levin's landfill in close proximity to Hokio Stream and Ngātokowaru marae. Nor did the conditions imposed prevent the known surface flow of leachate into Hokio Stream. Under the RMA, new conditions were placed on discharges in 2002, but the existing land use was protected by a district plan designation, and so a new landfill was established on the same site in 2004. Despite vigorous representations by Māori submitters in hearings and consent reviews since 2009, they struggled to gain much say over landfill management. By the mid-2010s,

leachate from the new landfill was also proving a problem in the form of seepage into a local drain.

23. The protection of wāhi tapu is the subject of Chapter 14. Prior to 1975, apart from land retained in Māori ownership, there was almost no protection of such sites, particularly when they were threatened by large-scale, government-backed projects such as the Whirokino Cut and the Centennial Highway. A 1975 amendment to the Historic Places Act removed the ability of the landowner to overrule protection for archaeological sites. Wāhi tapu which were not archaeological sites, however, remained unprotected until the passing of the Resource Management Act 1991 and the Historic Places Act 1993.
24. The new protective mechanisms have largely relied on local and regional government to apply them appropriately, and Council officials have been reluctant to apply a precautionary approach. Matararapa, for example, already ravaged by the Whirokino Cut, became a convenient site for Foxton's wastewater treatment after the Crown sold some of its land cheaply to Foxton Borough in the 1960s.

Kapiti and Mana (Chapter 9)

25. As the only sheltered mooring for shipping between Wellington and Taranaki, Kapiti became a centre for trade with European ships. Pigs were introduced as both sought-after trade goods and a local food supply, and a flax industry arose in the 1820s. Cattle were introduced in the mid-1830s, and led to further clearing of the original forest cover. Kapiti was a major shore-whaling base until 1846, and whalers were among the first Europeans to own or lease land on the island. Mana Island was entirely cleared of bush in the 1830s and converted to grazing land. It was bought by the Crown in 1865, and leased for sheep-farming.
26. During the late 19th century farming operations further reduced the bush cover on Kapiti. Domestic and feral animals, including cats, rats and, from 1893, opossums also made inroads into the regenerating bush and any surviving wildlife.
27. By the 1890s the Crown selected Kapiti as a suitable site for a native bird reserve. The Kapiti Island Public Reserve Bill 1897 was drawn up to compulsorily vest in the Crown those lands on Kapiti owned by individuals other than the original

owners. By 1901 the Crown had purchased the interests of all Māori landowners who wished to sell them, and those of almost all European owners and lessees.

28. During the early 20th century resident caretakers were employed to develop the Crown-owned areas of Kapiti as a native bird and plant reserve. They removed the pigs and deer, and by 1935 had also shot out the cattle, goats, sheep and wild cats. Remnant forest, scrubland and previously farmed land were left to regenerate. These measures enabled the island's native bush cover to gradually recover, and populations of native birds were reinforced by introducing species from elsewhere.

Managing wildlife (Chapters 10 and 13)

29. Legal protections for terrestrial fauna, described in Chapter 13, originated in the 1860s as the Crown supported the acclimatization of various introduced species. Later the Crown extended much the same protection to indigenous fauna through a series of Animal Protection Acts. Māori had little or no say in the application of these statutes. The huia, for example, had been subject to rāhui since the 1860s, but it took until the 1890s for the Crown to give huia full legal protection. A total ban on hunting kereru came into force from 1921-22, while practically all terrestrial indigenous fauna was protected under the Wildlife Act 1953. Acclimatisation societies and the New Zealand Forest Service also became much more proactive in targeting pest species such as deer from about the 1920s. Since 1993, pest control plans have been part of the remit of Regional Councils.
30. The protection of flora has been a much more recent concern, as it was much easier to preserve areas of indigenous habitat than to preserve particular species of plants. However, some habitats, especially wetlands, coastal dunes and lowland forests, have been so transformed that plants which served as a resource for Māori communities have become scarce outside protected areas. Pīngao is one such plant, displaced from many coastal dunes by marram grass, and suffering from the depredations of rabbits. Since the 1990s its populations have been replenished with new plantings along the inquiry district's foredunes.
31. Protective regimes for two important marine species on the Wellington west coast – toheroa and whales – are considered in Chapter 10. Since 1939, the Crown has guarded against their commercial overexploitation, and taken a precautionary approach to recreational and customary harvesting. Toheroa beds

were closed for the entire season in 16 out of the 47 years between 1939 and 1986, and since then have only been opened for customary harvesting subject to authorisation. Even so, the population of the beds has fallen at least a hundred-fold. Some of the factors behind the decline have been beyond the Crown's control. Nevertheless, the Crown has failed to consider additional conservation measures, such as on vehicular beach traffic, or on adjacent land usage and vegetation cover.

32. Prior to 1998, there is little evidence that Māori views on toheroa were taken into account, and the Māori community was viewed merely as an interest group. Poor communication contributed to a number of infringements by Māori harvesters. Arguably, the Crown has moved towards addressing some of these issues through the 1998 Kaimoana Customary Fishing Regulations. However, the absence of ongoing monitoring since the 1970s is concerning.
33. Stranded whales traditionally provided a rich bounty for Māori communities in this district, and protocols were developed among multiple hapū and iwi for sharing this large and intermittently available resource. As described in Chapter 9, several whaling stations were sited on Kapiti Island and the adjacent coast from the 1820s to 1846. Since that time marine mammal strandings have occurred fairly frequently, but the issue of Māori rights to and traditional uses of these animals was apparently not considered until the 1970s. Whales, seals and dolphins were accorded similar protection to terrestrial animals by the Marine Mammals Protection Act 1978. In the late 1990s, the Department of Conservation was at last persuaded to involve local iwi in the disposal of whales, and today organizations representing Māori in the inquiry district play a kaitiaki role in responding to strandings by directing appropriate tikanga, conducting karakia and collaborating with Crown agencies and the wider community.

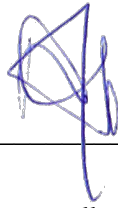
Treaty Questions

34. We conclude our summary by addressing three questions about the conduct of the Crown with regards to environmental resources:
35. Did the Crown deny the ability of iwi/hapū in Porirua ki Manawatū to exercise tino rangatiratanga and kaitiakitanga over the environmental resources?
36. Did the Crown recognise the cultural and spiritual significance of the environmental resources to hapū and iwi?

37. To what extent did the Crown involve hapū and iwi in remediation efforts in respect of environmental impacts within their district?
38. On the basis of the evidence we have examined it is quite clear that the Crown, at least up until the 1980s, gave little or no recognition to the cultural and spiritual significance of environmental resources to hapū and iwi, and denied iwi/hapū in Porirua ki Manawatū the opportunity to exercise rangatiratanga and kaitiakitanga over these resources.
39. In the cases of the forests and the wetlands, and to a lesser extent the dune ecosystems, the Crown essentially handed control of the resource to private landowners or elected institutions dominated by settlers such as County Councils, Catchment Boards and Acclimatisation Societies. As a result, iwi and hapū only had influence over resources on the small areas of lands that they still owned and occupied, and which had not been degraded or destroyed by the actions of other landowners.
40. Where the Crown retained control of resources, there is either no evidence of considering Māori input in their management and/or remediation, or even active resistance to it. Cultural and spiritual attachment to these resources was recognised only rarely, for example, in the toheroa fishery.
41. Since the 1990s the Crown, and in particular the Department of Conservation, have facilitated iwi and hapū participation in the management of natural resources. Cultural and spiritual attachments to these resources have been recognised in the form of allowances for cultural harvesting of protected species, while iwi and hapū have been encouraged to contribute to restoring and remediating the environment. Even so, the Crown has yet to enter into co-management of any resources.
42. The obligations in the Resource Management Act to consult tangata whenua have given iwi and hapū a say in the management of natural resources and Māori heritage on private land. However, they are reliant on District and Regional Councils to give effect to Treaty principles, and there is a considerable variation among the Councils in the level and form of recognition given to iwi- and hapū-based organizations.

43. Neither the Crown nor the local authorities in the Horizons (Manawatū-Whanganui) portion of the inquiry district have ensured that the work of iwi- and hapū-based organizations is funded or reimbursed, so those organisations are typically disadvantaged in RMA hearings, particularly when defending rangatiratanga and kaitiakitanga means resorting to costly Environment Court cases.

Dated at Wellington this 16 Hōngongoi 2020



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