

Ngā Maunga Whakahī o Kaipara's forest journey

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*Tīmatahia ki te tihi o te Atuanui
Te maunga whakahī o Te Manawanui,
Te marae tēnei o Puatahi e.*

*Ka huri tō titiro ki te tihi o Taranaki.
Te maunga kōrero o te Pā o Te Aroha.
Kei Araparera e.*

*Waho atu ko Tuhirangi Maunga,
Te toka kamaka o Kākānui o Paneira,
Te Kia Ora Marae, kei raro iho ra.*

*Waho atu ko Tauwhare Maunga,
E toha nei ki te tai whakararo,
Te maunga kōrero o Whiti te Rā,
Te marae tēnei o Reweti e.*

*Huri atu ki te uru, ki Tarawera,
Te maunga kōrerorero,
Ngā Tai i Tūria ki te Marowhara,
Te marae tēnei o Haranui e.*

*Kaipara Moana, e ngurunguru, ngurunguru, e
ngurunguru nei,*

*Ko ngā rārangi maunga.
Tū tonu, tū tonu, tū tonu e.
Ko ngā rārangi tāngata
Ngaro noa, ngaro noa, ngaro atu rā*

Hei Ha!

'Tīmatahia' by Haahi Walker, Chair NMWoK – identifying the five marae of south Kaipara and their associated maunga (whakahī)

Abstract

This paper summarises the events and rationale leading to the 2013 purchase of the Woodhill Forest estate (and a block of Riverhead Forest) by Ngā Maunga Whakahī o Kaipara (NMWoK – the 'post-settlement governance entity' of the marae and hapū of Ngāti Whātua o Kaipara). It then describes the pitfalls, challenges and opportunities NMWoK has identified in managing and developing its forest estates as a cultural landscape with important overlying economic use. This can serve as an exemplar for other iwi groups considering (or in) ownership of their own commercial forests.

Ngāti Whātua o Kaipara and WAI 312

Ngāti Whātua o Kaipara (NWoK) is a hapū grouping based around the five marae of south Kaipara. In 1992, the five marae lodged a claim with the Crown for breaches of the Treaty of Waitangi. This was finally settled through an Act of Parliament in 2013, with the Crown apology reading as shown in Figure 1.

The apology

This is the text of the Crown's apology to Ngāti Whātua o Kaipara:

The Crown recognises that, from the signing of the Treaty of Waitangi, Ngāti Whātua o Kaipara committed themselves to a close and positive relationship with the Crown and, through Sales and other means, provided lands for European settlement. The Crown deeply regrets that the benefits Ngāti Whātua o Kaipara were led to expect from the relationship, including benefits from the sale of land, were slow to arrive or were not always realised.

The Crown profoundly regrets and unreservedly apologises for its actions, which have resulted in the virtual landlessness of Ngāti Whātua o Kaipara. This state of landlessness has had devastating consequences for the social, cultural, economic, spiritual and physical well-being of Ngāti Whātua o Kaipara that continue to be felt today.

With this apology and settlement the Crown seeks to atone for these wrongs and to begin the process of healing. The Crown intends to improve and strengthen its historically close relationship with Ngāti Whātua o Kaipara based on the Treaty of Waitangi and its principles so as to create a solid foundation for the future.

Figure 1: Crown apology 2013

The key element of redress in the Treaty settlement was the purchase by NWoK (using settlement monies) of 12,400 ha (almost all) of the Woodhill Forest estate, and then subsequently some 500 ha (the Ararimu Block) of Riverhead Forest.

As is required under Treaty settlements, NWoK established a 'post-settlement governance entity' to manage its settlement assets. The name chosen for this was Ngā Maunga Whakahī o Kaipara (NMWoK). The subsidiary responsible for managing the forestry estates is NMWoK Ngahere Ltd.

Woodhill Forest and the Ararimu Block

At purchase, the vast bulk of the two forest estates was planted in radiata pine, respectively owned by TPL3 Ltd and Matariki Forests (both ultimately with American ownership). Under the expiring Crown Forest Licences (CFLs) for the two estates, the tree crop owners had 35 years from 2013 to continue to manage and harvest their crop, and relinquish their use of the land.

Woodhill supported a range of commercial recreational businesses – mountain biking, an arboreal adventure park, paintball, four-wheel driving, horse-riding and off-road motorcycling. It was a well-known location for filming and events (e.g. orienteering). There

was a well-established balloted hunting programme and a long history of adjacent farmers grazing in the forest.

Early decisions

In 2014, NMWoK developed a range of strategic plans covering the commercial assets it had gained under settlement. These addressed a number of fundamental decisions that needed to be made – notably whether Woodhill and the Ararimu Block were to continue predominantly as commercial pine forests (actually, in the case of Woodhill, the only default permitted use), or whether conversions for other purposes were to be pursued.

It was confirmed that the major use of the estates was to continue to be for plantation pine into the foreseeable future, and so a forestry partner would be sought to work with on re-planting as the standing crop owners harvested and 'returned' land.

The ongoing challenge

A forestry joint venture (Te Rau Manga) was established with Matariki Forests for two rotations following the expiry of the CFL – effectively out to the end of this century (Figure 2). The first crop was planted in 2016 and so in about 27 years it was



Figure 2: Te Rau Manga joint venture crop

understood that a share of stumpage would start to make its way to NMWoK. For those 27 years, however, about 400 ha of standing pine was expected to be harvested annually, with an attendant loss of tens of thousands of dollars of land rental.

Although NMWoK had invested funds and would make the most of limited/occasional commercial property opportunities that came out of the settlement, the forest estates still needed to function as the reliable year-on-year provider of baseline cashflow for the group (for its own operation and to fund its educational, health, cultural and social development programmes for hapū members). A steady reduction of revenue from the forestry land rental over time would need to be replaced in order for the group to (at the least) reliably maintain its core functions.

NMWoK therefore decided that we would continue to licence the various recreational businesses operating in Woodhill and support them to grow, in turn increasing returns to us. We would not look to take ownership or management of most of them directly as the majority seemed to require specialised technical knowledge and/or were associated with activities that exceeded our appetite risk (e.g. the arboreal adventure park). The exception to this was the horse park, which we took management of and renamed Kake Hōiho (Figure 3).

The Te Rau Manga joint venture also allowed for up to 20% of the productive area to be kept out for other purposes that NMWoK might decide offered 'higher and better use'.



Figure 3: Kake Hōiho horse park in Woodhill Forest

Plugging the gap

Cognisant of the potential ongoing drop in cashflow from the forestry estates, since 2013 NMWoK has purchased stands of trees in the forest that support recreational and/or filming activity in order to prevent their harvest (Figure 4).

Ngahere has made a dedicated effort to promote the forests to the film industry. Ironically, during the height of the COVID pandemic, when much of the economy suffered, Woodhill especially had a couple of bumper years in terms of filming activity and the associated income generated. *The Lord of the Rings: The Rings of Power* is an example of a large-scale production that made use of Woodhill over that time.

The single biggest standalone development undertaken since the hapū purchase of the estates has been the licensing of a sand extraction and clean-fill facility in Woodhill (Figure 5). The proposition was not without internal challenge, as the concept of 'selling our whenua (sand)' and taking fill from other whenua raised questions about cultural and spiritual appropriateness and environmental protection.

Following its own assessment of environmental and cultural effects, NMWoK successfully gained resource consent for a sand extraction and clean-fill facility in Woodhill in late 2018. It became operational in early 2019, under licence to Woodhill Group. In several years of operation, only a handful of fill sources have been approved because of the very high acceptance thresholds in our resource consents and operating agreement with Woodhill Group.

Likewise, there have been no notable incidents of contamination from accepted soil because of these stringent conditions and the associated monitoring programme. A clean-fill review committee meets regularly to consider quality control processes and potential new sources of fill. Aside from Ngahere Ltd and Woodhill Group, and supporting environmental engineering expertise, there is a NWoK representative from the local marae on the committee to provide greater diversity of interested input.

Intense discussions with hapū members prior to the facility beginning operation, ongoing consultation, the adherence to strict acceptance criteria and the presence of a respected marae community member on the clean-fill review committee allowed the operation to commence and to have now continued successfully for several years. This added hundreds of thousands of dollars annually to the income from the estate.

Beware of pups

Given the chance to choose the form of its Treaty settlement, NWoK may well not have elected to invest in a large forest estate planted in an exotic species and with all sorts of covenants in place limiting alternative land uses.



Figure 4: Whānau members enjoying the Tree Adventures course in 2021 – on trees recently purchased by NMWoK

Treaty settlements, however, focus on financial compensation and available Crown land – and inevitably this means that forestry, education and conservation properties become prominent in negotiations, as was the case in south Kaipara. Woodhill Forest, and to a lesser extent Riverhead Forest, was easily the most significant and commercially worthwhile piece of Crown land in the rohe that could be considered as part of the settlement. The fact that it is a significant cultural landscape, traversed regularly by our tūpuna and still holding evidence of their occupation and use (and even their bones), gave it greater interest than just the economic.

Having intergenerational knowledge of the landscape and community before the forest and then throughout the decades of its development and management, through the greater part of which many of our people were involved (e.g. as forestry workers),

we weren't blind to the potential issues we would face as landowners. We knew we had bought a 'pup' – but it was a pup we were willing to have. Still, there have been experiences in these first nine years that have disappointed, although not necessarily surprised, and occurrences that we would not see repeated given the chance (either for us or other iwi groups entering into similar arrangements).

Early moves by the majority crop owner to return large pieces of non-productive land were reasonable, but the implications weren't fully understood by us. Large unharvested/wilding trees near boundaries are proving a frequent (and expensive) problem for us as they fall across fences and/or onto neighbouring properties. In hindsight, we would have assessed these boundaries more carefully and insisted on the removal of trees such as these before accepting the land back.

We have found Crown agencies, especially the Department of Conservation (DoC), extremely difficult to deal with post-settlement, particularly around trying to resolve issues of shared interest. In at least five years of constant, earnest trying, including expenditure on legal advice and attempts to get meaningful action from the Crown's Māori engagement body Te Arawhiti and even relevant ministers, we have failed to get any formal, clear position from the Crown on its responsibilities for the public easements in its name that transect the forest. Land Information NZ says DoC is responsible for them, and in our view over the last five years the Department has frequently changed its position on this from absolute agreement to, again lately, denial.

The easements have only ever had maintenance undertaken by the Crown when we have brought to their notice that their condition has deteriorated to the point where they are unsafe for public usage, and lately even that has not been enough. The easements remain a constant route of trespass into the forest (with attendant issues around theft, vandalism, risky behaviour and unpermitted fire), but our experience is that the Crown undertakes no management or monitoring of them. The easements are therefore a weak point in the security of the forest, and we are finding that the Crown will not help and yet won't legally remove them. By default, having staff present in the forest and being the landowner, we feel we are in reality left to deal with most of the operational and safety problems resulting from the easements.

Prior to NMWoK ownership, the forests were Crown land under licence to the crop owners, and there was a degree of expectation of general public access, albeit not into areas of clear high risk, such as harvesting. The sale into private ownership should have removed that expectation. Certainly, the tightening of workplace health and safety legislation in 2015 would have meant that whoever owned and/or managed the forests (workplaces by definition with multiple over-lapping 'PCBUs') would have had to have been more stringent about public access than had previously been the case.

We have also encountered problems relating to the locals living around the forests, and we feel there is dismissal of our ownership rights by those wanting to access them unpermitted for their own individual benefit. We are frequently challenged about our actual right to limit access in a way that we do not believe other private landowners in the district (e.g. lifestyle block-holders/farmers) generally are. Of course, trespass onto farmland is not uncommon either, although many who do it would concede that this is what they are doing, which is often not the case with respect to the forest.

Another concern for us is that local social media frequently carries posts that set us up as the opposition to other, 'real' residents – the 'iwi'/'Maoris' infringing on their freedoms. One even re-branded



Figure 5: Fill deposition at Woodhill in 2022

Woodhill as 'Muriwai Forest' and its followers as the 'friends of'. On occasion, more overtly racist slurs have been posted online or even graffitied onto forest infrastructure. We certainly seem to attract more overt 'hate' than the American-owned companies managing the forests, who also strive to restrict unpermitted access.

We spend six figures annually on what we optimistically call monitoring and public education, some of which is addressing issues of immediate high risk to workers and legitimate users of the forest and surrounds (e.g. poaching and setting of fires). However, a lot of our activity is repetitively dealing with unrepentant recidivist trespassers, dozens of whom we have formally trespassed over the years. An interesting development has been that trespassers who don't like what other trespassers are doing are reporting to us about them. For instance, joggers running where we don't want them have reported someone with a dog who was aggressive to them, and a dog-walker who was nearly killed by unpermitted motorbikes that found their way into the forest off the beach advised us of that.

As there is a place for almost every activity in Woodhill, trespass is actually unnecessary. Aside from the aforementioned licensed/permitted recreational parks and activities, the public easements provide kilometres of access through the forest for walkers, joggers, horse-riders, mountain bikers and even (in the case of two of the three) vehicles.

A final issue of concern is that some people who come onto our private estate disturb our sacred places, which of course is upsetting.

The silver lining to this endless need to monitor and 'educate' the public is that our kaitiaki group, who lead on this work, has been our single biggest team of employees over the years. Between the kaitiaki and our more office-based staff, we have employed dozens of hapū members in the forests in this time, providing training, experience, work and, importantly, connection to our whenua tuku iho.

Looking forward

In the years and decades to come, Woodhill will continue to be an important landscape for NWoK – providing cultural and spiritual sustenance, resources for our weavers, meat for our tangi, firewood for our kaumātua, recreational space, and even a place to continue to bury our dead.

We will continue to need to find new sources of cashflow to (at the least) offset the steadily diminishing forestry land rental returns and have a strategy to do so.

In the next 10 years or so we will concentrate our active efforts on improving and growing the commercial recreational activity in Woodhill. Due diligence is also underway on whether to pursue the development of a wind and solar energy park in the forest and, if the decision is to do so, then this too will likely be established in the coming decade.

As we have done over the past nine years, in addition to our own strategic priorities we will continue to vet reasonable proposals brought to us by third parties. To date, we have declined ideas such as poultry farming, avocado orchards and the establishment of a waste-to-energy plant, but doubtless other possibilities worthy of consideration remain untested.

Broadly, NMWoK will consider any ancillary/alternative activity that:

- Offers a higher return than the current forestry, or
- Is complementary to the current forestry, and
- Respects our values (e.g. kaitiakitanga/sustainable management of the environment and respect for culturally significant sites such as urupā).

Proposals will be viewed with particular interest if they:

- Offer opportunities for the training/employment of our people
- Offer the opportunity for us to learn about/invest in/partner in the enterprise, with a view to potentially owning and running it ourselves
- Promote the presence and visibility of our people and language/culture.

We thank you in advance for your good ideas. Mauri ora.

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