



## **Summary of Te Rarawa Historical Claims Kahakaharoa Block**

Kahakaharoa is a large block of approximately 4000 acres. It runs along the west coast on the northern side of the mouth of the Hokianga harbour and is made up almost entirely of sand hills. A number of wahi tapu, including Te Puna ki Hokianga, are located within Kahakaharoa, which also served as an access way to the moana and its resources.

### **Sand Reclamation**

Sand reclamation became the rationale for the Crown's acquisition of Kahakaharoa from the middle of the 20<sup>th</sup> century. The government view was that coastal sands had no economic value in their natural state. Instead, it was preferred that areas of 'highly evolvable character', like Kahakaharoa, were either reclaimed or stabilised. Reclaiming sand dunes, dune lakes and sand flats could make the land available for production as pasture or forest. Stabilisation would prevent sand drift encroaching on any adjoining farmlands.

The owners of Kahakaharoa could see a sand reclamation project would have some benefits. Even so, during the protracted discussions that took place from the mid-1940s through to the end of the 50s, local hapu made clear their determination to reserve significant sites within the block and to maintain unconditionally their customary rights to the natural environment, both on land and at sea.

### **The Crown Considers Acquiring Kahakaharoa**

In a report to the Native Department in 1945, Judge Prichard of the Native land Court described Kahakaharoa as 'useless and dangerous, with drifting sand encroaching on useful lands'. He said the interests of the owners were 'almost valueless', yet over the years the Department would spend hundreds of pounds on succession costs alone, and the block would never be profitable.

On Prichard's advice, the Department considered buying the freehold title to Kahakaharoa, in order to protect adjoining lands from the 'sand menace'. Various government inquiries in 1946 concluded that the North Hokianga sand dune country was unsuitable for cultivation or settlement and would never have any commercial value unless reclaimed.

## **Crown Acquisition Governed by the Native Land Act 1931**

The Crown preferred to obtain title before beginning any reclamation work, thus preventing the owners from expecting any return from the 'valuable asset' that would result from the state's development efforts.

Under the Native Land Act 1931 any offer from the Crown had to be agreed to by the majority of shareholders present at a properly convened meeting of owners. Furthermore, the Crown had to at least pay the assessed value of the land, and ensure no owner would be made landless as a result of the transaction.

## **Gifting Versus Selling**

The Crown's proposal to purchase Kahakaharoa was discussed at a series of meetings of owners in 1947 and '48, and there seemed to be sufficient support amongst the owners to enter into a transaction.

However, the owners preferred to gift rather than sell the land. The Crown, on the other hand, insisted on a sale. It had already been advised by Prichard that gifting risked the possibility that owners would always regard themselves as having an interest in the land. The Crown felt that a sale would ensure the owners would have no basis on which to lay any special claim to Kahakaharoa in the future.

## **Owners' Conditions**

By the end of 1948 the owners had been encouraged to proceed with the sale of Kahakaharoa. They set a sale price of 2/6d an acre which would yield a total of about £700, more than twice as much as the Crown had planned on paying. The owners insisted on a number of conditions, including:

- exclusion of specific wahi tapu from the sale, including about 100 acres at Te Puna o Hokianga;
- access to the sea and foreshore for fishing and other recreational activities to a depth of three chains;
- a right of way for people living at Rangi Point and Orongotea; and the right to the economic benefits of any workable lime deposits that might be found in the future.

The owners also understood that the Crown's reclamation programme would be applied to the land that remained in their ownership, and they resolved that the purchase monies would be applied to marae and community development.

## **Crown Hesitation**

Although the Maori Land Court confirmed the owners' resolution to sell, the Crown hesitated over the conditions. It wanted the 100 acres proposed for reservation at Te Puna o Hokianga reduced to 30 or 40 acres. It was reluctant to allow the right of way for Rangi Point and Orongotea; and it was concerned about the owners having rights to the foreshore above the low water mark.

The Registrar of the Court tried to encourage the Crown to proceed with the sale and deal with its concerns after the transaction was finalised. A variety of other government departments, such as Lands and Survey and Public Works, also urged that the land be acquired. The general view was that if the block was not reclaimed, it would become a liability to the Crown. However concerns about the owners' access rights to the beach and vague understandings of the boundaries remained.

By mid-1951 the transaction was still incomplete. When Whina Cooper enquired about it, the Minister of Maori Affairs said the sale would proceed when the government decided how best to deal with the sand reclamation issue on a nationwide basis.

## **A Counter Offer from the Crown**

It was not until 1953 that the Crown resumed discussions with the owners. Going against advice not to renege on the 1948 agreement, the Crown offered the owners £225, or roughly 1/- an acre.

At a meeting in December 1953, the owners voiced their disappointment about the delay they had endured and the reduced price. However, a resolution to sell was recorded, subject to the same conditions previously stated in 1948.

## **Further Delay**

The Crown's acquisition of Kahakaharoa was further delayed in 1954 when it submitted to the Court that it wanted the exact area surveyed. The transaction was again held in abeyance, this time for some five years.

## **Kahakaharoa Partitioned**

In 1959 the Court partitioned Kahakaharoa, which had 419 owners by then, into three blocks: Kahakaharoa A, B and C. Kahakaharoa C contained Te Puna ki Hokianga, and in 1960 the Court appointed trustees to Kahakaharoa B and C.

## **Crown Acquisition of Kahakaharoa A**

The Crown acquired Kahakaharoa A block, described as containing 3620 acres, in July 1959. It paid £181 to the Maori Trustee as agent for the owners.

## **Kahakaharoa Today**

A stretch of beach running the length of Kahakaharoa and much of the north head of the Hokianga is now part of the Department of Conservation's estate, a clear contradiction of what the owners had intended when they entered negotiations about their land.

## **Potential for Further Research**

Some of the details of the Kahakaharoa block are sketchy, and further research may shed light on matters such as the representivity of owners at the various meetings, and also the history of the block since 1960.

What has been discovered so far about Kahakaharoa is contained in chapter eight of Te Rarawa Historical Overview Report, available online at [terarawa.co.nz](http://terarawa.co.nz).