



Hāwea/Wānaka

SILNA Successors:

Update ahead of August 2025 roadshow

South Island Landless Natives Act 1906

HĀWEA-WĀNAKA



Te Tari
Whakataū

The Office of Treaty Settlements
and Takutai Moana

Tēnā koe

You have been sent this information booklet because you have been identified by the Māori Land Court as a successor to one of the original beneficiaries to the Hāwea/Wānaka SILNA Land. As such, you are one of the individuals entitled to an interest in the Hāwea/Wānaka Substitute Land (**the Land**) – see the map **Appendix A**.

This booklet has been prepared by the Office of Treaty Settlements and Takutai Moana: Te Tari Whakatau (**Te Tari Whakatau**). This booklet is provided to you alongside a one-page pamphlet from the Hāwea/Wānaka SILNA Group (**the Group**) who formed in 2024 to represent the interests of the Hāwea/Wānaka SILNA successors.

This booklet provides you information on:

- The Land committed to the Hāwea/Wānaka SILNA successors.
- The information hui you can attend in 2025 to ask questions and hear from the Group about the advice they have received and their findings in relation to how the Land should be received.
- The 'Part 9' decision-making meeting which will be convened by the Māori Land Court.
- The timeline to the transfer of the Land.
- Opportunities for you to get more information, ask questions, and have your say.

To RSVP to the roadshow hui:

Email the Hāwea/Wānaka SILNA Group at: haweawanakasilna@gmail.com

If you have questions, after reading this booklet and attending the roadshow hui –

Join the 'Hāwea/Wanaka SILNA' group on Facebook which is administered by the Hāwea/Wānaka SILNA Group.

About the Land or the process to transfer, contact:



Te Tari Whakatau:

Level 3, The Justice Centre

19 Aitken St

SX10111

WELLINGTON 6011

Phone: (04) 494 9800

Email: SILNA@whakatau.govt.nz

Website: www.whakatau.govt.nz/settlement-implementation-and-redress/haweawanaka-silna

About the succession process, contact:

Te Kooti Whenua Māori



Māori Land Court – Te Waipounamu

Justice & Emergency Services Precinct

20 Lichfield Street

WX11124

CHRISTCHURCH

Phone: 03 962 4900

Email: mlcsilna@justice.govt.nz

Website:

www.maorilandcourt.govt.nz/en/who-we-are/our-rules-and-legislation/silna/

Contents

Background	5
<hr/>	
The Hāwea/Wānaka SILNA Land	5
Section 15 of the Ngāi Tahu Deed of Settlement	5
Status of the implementation of Section 15	6
Options under Section 15 of the Ngāi Tahu Deed of Settlement	7
The Hāwea/Wānaka SILNA Group (the Group)	7
 Roadshow in 2025	 8
<hr/>	
‘Part 9’ meeting	9
<hr/>	
What will happen after the ‘Part 9’ meeting?	10
<hr/>	

Appendices

Appendix A: Map of the Hāwea/Wānaka SILNA Land	11
Appendix B: Original Beneficiaries	12
Appendix C: SILNA history	14
Appendix D: Information about the Hāwea/Wānaka Substitute Land	17
Appendix E: Entitlement to succession	27
Appendix F: Frequently asked questions	29



Background

The Hāwea/Wānaka SILNA Land

'SILNA' was the South Island Landless Natives Act 1906. This Act of Parliament enabled the transfer of land to Māori in the South Island who had insufficient or no land. Most of the SILNA land transferred as intended. However, in 1909 SILNA was repealed by the Native Land Act 1909. The repeal left some SILNA land, which had been allocated to individuals, untransferred. This included the Hāwea/Wānaka SILNA Land which had been allocated to a list of 50 people in 1895. The list of original beneficiaries can be found at **Appendix B**.

Further information about SILNA, and how land was allocated under the SILNA scheme, can be found in **Appendix C**.

The Crown has accepted that there was an obligation to complete the transfer of the Hāwea/Wānaka SILNA Land to the people to whom it was allocated, and that the failure to complete the transfer after 1906 was a breach of the principles of the Treaty of Waitangi.

When Ngāi Tahu and the Crown were in negotiations in the 1990s over historical Treaty claims, the original Hāwea/Wānaka SILNA Land was subject to a pastoral lease, and not available for transfer.

Section 15 of the Ngāi Tahu Deed of Settlement

As the original land was not available, the Ngāi Tahu Treaty settlement provides the Hāwea/Wānaka Substitute Land (**the Land**) for the successors to the 50 original beneficiaries to the Hāwea/Wānaka SILNA Land. More information about the Land can be found in **Appendix D** of this booklet.

Section 15 of the Ngāi Tahu Deed of Settlement prescribes the process by which the Land will transfer to the successors.

You can find Section 15 of the Ngāi Tahu Deed of Settlement on the Te Tari Whakatau website¹.

¹ www.whakatau.govt.nz/assets/Settlement-implementation/Ngai-Tahu-Deed-of-Settlement-Section-15-South-Island-Landless-Natives-Act-21-Nov-1997.pdf

Section 15 of the Ngāi Tahu Deed of Settlement requires:

1. **Identification of successors:** the Māori Land Court to identify the modern-day successors to the 50 original beneficiaries to the Hāwea/Wānaka SILNA Land and their relative share interests.
2. **'Part 9' meeting' convened:** As soon as practicable, the Māori Land Court is to convene a 'Part 9' meeting of the successors. This means a meeting in accordance with Part 9 of the Te Ture Whenua Māori Act 1993 and any regulations issued under that part of the Act. The regulations governing such meetings are the Māori Assembled Owners Regulations 1995. See page 7 for more information. The successors will be asked to vote on resolutions as to how they want to receive the Land.
3. **Transfer of the Land:** the Minister for Treaty of Waitangi Negotiations to effect the transfer of the Hāwea/Wānaka Substitute Land by Gazette notice in accordance with the successors' decisions in the 'Part 9' meeting.

Note: Section 15 also deals with three other SILNA lands that did not transfer prior to 1909, in addition to the Hāwea/Wānaka SILNA Land.

Status of the implementation of Section 15

The Māori Land Court has identified 2,171 successors (as of 23 May 2025).

The current working list of successors can be found on the 'SILNA' page of the Māori Land Court website².

If you know other successors on the list who have not received this information pack in the mail, please encourage them to update their current contact details with the Māori Land Court. This can be done via the webform for this purpose, which you will find by searching online for 'update your details Hāwea Wānaka SILNA'.³ Alternatively, contact the Māori Land Court – Te Waipounamu – see contact details on page 2.

If you know of family members who are likely to be eligible to succeed to a deceased person on the working list, please encourage them to apply to the Māori Land Court – Te Waipounamu. Please encourage them to do so as soon as possible, in order to be recognised as a successor before the 'Part 9' meeting is convened. See **Appendix E** for the criteria for succession and how to apply.

² www.maorilandcourt.govt.nz/assets/Documents/SILNA/Working-List-of-Potential-Owners-Hawe-Wanaka-SILNA-as-at-25-May-2025.pdf

³ if you are viewing this document electronically, by clicking www.maorilandcourt.govt.nz/en/who-we-are/our-rules-and-legislation/silna/update-your-details-hawe-wanaka-substitute-silna-block

Options under Section 15 of the Ngāi Tahu Deed of Settlement

Before the Land can transfer, the identified successors must vote in the 'Part 9' meeting on two matters. They need to decide:

1. whether the Land should vest as:
 - a. Māori Freehold Land (subject to Te Ture Whenua Māori Act 1993); or
 - b. General Land; and
2. who or what will receive the Land on behalf of the successors. For example, an ahu whenua trust, a private trust, a Māori Incorporation, in the successors as tenants in common, or in another manner, subject to whether the Land is received as general or Māori Freehold land.

A management structure will be required, which aligns with the way the Land is to be received and held.

The Hāwea/Wānaka SILNA Group (the Group)

In 2023, Te Tari Whakatau (then named Te Arawhiti), along with Te Puni Kōkiri, facilitated a process for Hāwea/Wānaka SILNA successors to establish their representation, for the period until the Land transfers. Fourteen successors were candidates in this process. In April 2024, the five successful candidates formed the Hāwea/Wānaka SILNA Group (the Group).

The Group have been meeting regularly amongst themselves and with officials from Te Tari Whakatau. The Group have been receiving independent advice (with funding from Te Tari Whakatau) and have been gathering information on the options available to the successors for how to best receive and hold the Land.

Roadshow in 2025

The Group and Te Tari Whakatau have agreed that to prepare the Hāwea/Wānaka SILNA successors to make informed decisions about how to receive and hold the land, we should jointly run a roadshow before the 'Part 9' meeting is convened.

Roadshow Information hui

Information hui during the roadshow will be a chance for you to:

- Learn about the Land and the process to receive it
- hear from the Group about the options for receiving and holding the Land.
- ask questions regarding the process and/or the Land.
- share your views.

Locations and dates of the information hui

Auckland	Monday 11 August, 7.00pm	Heartland Hotel Auckland Airport
Hastings	Tuesday 12 August, 6.00pm	Ellwood Function Centre
Palmerston North	Wednesday 13 August, 6.00pm	Distinction Coachman Hotel
Blenheim	Friday 15 August, 6.00pm	Scenic Hotel Marlborough
Online	Saturday 16 August, 11.30am	RSVP to receive the link.
Christchurch	Saturday 16 August, 1.30pm	Commodore Hotel

Please RSVP to the hui by emailing the Group at haweawanakasilna@gmail.com **no later than 4 August 2025**. If you RSVP for the live online hui, you will be provided the login information to join on the day.

Updates will be posted on the Te Tari Whakatau 'Hāwea/Wānaka SILNA'⁴ webpage and the Group's 'Hāwea/Wānaka SILNA' Facebook page.

What will happen after the roadshow?

The Group and Te Tari Whakatau are running the roadshow with a view to ensuring that you the successors have the opportunity to get informed about the options, before being asked to vote. After the August roadshow, the Group and Te Tari Whakatau will reflect on your questions and comments, and consider ways to get further information out to successors if need be.

After the roadshow, The Group and Te Tari Whakatau will write to the Registrar of the Māori Land Court as to whether we think it is 'practicable' for the Court to convene the 'Part 9' meeting of successors, for the successors to determine how to receive and hold the Land.

⁴ www.whakatau.govt.nz/settlement-implementation-and-redress/haweawanaka-silna



‘Part 9’ meeting

As well as identifying the Hāwea/Wānaka SILNA successors, the Māori Land Court is also responsible for identifying the relative beneficial interest (referred to in this booklet as their ‘share interest’) of each successor in the Land. These are indicated in the ‘shares’ column of the current working list of successors. You can find this on the Māori Land Court ‘SILNA’ page⁵.

The final voting process the Māori Land Court will conduct for the successors to decide how to receive and hold the Land, will be in accordance with Part 9 of Te Ture Whenua Māori Act 1993⁶, and the regulations issued under that part of the Act. That means the process will be in accordance with the Māori Assembled Owners Regulations 1995⁷.

The Māori Land Court has determined that voting under the regulations will include the opportunity to vote:

1. by postal ballot before the ‘Part 9’ meeting;
2. by scanning your postal ballot paper and emailing it to a specified email address;
3. by appointing a proxy to attend the ‘Part 9’ meeting and vote on your behalf (by ballot paper); or
4. by attending the ‘Part 9’ meeting convened by the Māori Land Court (by ballot paper).

The Māori Land Court has determined that the ‘Part 9’ meeting will be held in Christchurch, as that is where the most successors live. The Māori Land Court will appoint a facilitator in advance of the meeting but will ask the Group to speak to their proposal for how the Land should be held in the meeting. The ‘Part 9’ meeting will not be online.

Votes will be weighted by the share interests of the voters (regulation 45). Regulation 45 prescribes that a resolution is carried if the persons who vote in favour of the resolution are entitled to “a larger aggregate share of the land” than the persons who vote against the resolution.

This means the Māori Land Court recording officer will need to add up all the share interests of the voters for a resolution, and all the share interests of the voters who voted against a resolution, to determine whether the resolution has been carried (passed) or not.

Only people who are successors identified by the Māori Land Court will be eligible to vote. Succession applications take time to process. Applications for succession should be made now, to ensure successors are recognised by the Māori Land Court in time to participate in the ‘Part 9’ meeting.

⁵ www.maorilandcourt.govt.nz/assets/Documents/SILNA/Working-List-of-Potential-Owners-Hawea-Wanaka-SILNA-as-at-25-May-2025.pdf

⁶ www.legislation.govt.nz/act/public/1993/0004/latest/DLM289882.html

⁷ www.legislation.govt.nz/regulation/public/1995/0083/latest/whole.html



What will happen after the ‘Part 9’ meeting?

The outcome of the voting process will be reported to the Minister for Treaty of Waitangi Negotiations who is responsible for effecting the transfer of the Land.

The Ngāi Tahu Claims Settlement Act 1998 enables the Minister for Treaty of Waitangi Negotiations to effect the transfer of the Land in accordance with the resolutions passed by the successors. The Minister is to do this by arranging for a notice to be published in the New Zealand Gazette. The Minister is to arrange for this notice to be published “as soon as practicable” after receiving the outcome of the voting process. What will determine timing will be factors such as the formation of any entity to receive the land on behalf of the successors.

Updates on the status of transfer will be posted on the Te Tari Whakatau ‘Hāwea//Wānaka SILNA’ webpage.

Appendix A: Map of Hāwea/Wānaka Substitute Land



Appendix B: Original Beneficiaries to the Hāwea/Wānaka SILNA Land

(as provided by the Māori Land Court Registrar – 11 June 2025)

Note: Abode refers to the place of residence for the individual as listed in the Native Land Register for the Wānaka Block 1895. The correct number of Original Grantees for the Hāwea/Wānaka SILNA Block is 50.

No	Surname	First Name	Abode
1	TE ARATUMAHINA	Tini	Kaiapoi
2	TE ARATUMAHINA	Puake	Kaiapoi
3	TE IPUKOHU	Wi Pukere	Kaikoura
4	TE KATI	Anaha	Kaikoura
5	RAKI	Ruti	Kaiapoi
6	RAKI	Ria	Kaiapoi
7	RAKI	Te Ipu	Kaiapoi
8	RAKI	Toihi	Kaiapoi
9	RAKI	Purua	Kaiapoi
10	RAKI	Akiha	Kaiapoi
11	RAKI	Hamuera	Kaiapoi
12	RAKI	Wekipiri	Kaiapoi
13	RAKI	Apeta	Kaiapoi
14	RAKI	Hiria	Kaiapoi
15	SPRING	Toria	Kaikoura
16	SPRING	Takihi	Kaikoura
17	SPRING	Eparaima	Kaikoura
18	SPRING	Tuteahuka	Kaikoura
19	SPRING	Peti Korako	Kaikoura
20	TORIA	Irihapeti	
21	WHATAKIORE	Hamuera	Kaiapoi
22	MAUHARA	Henare	Moeraki
23	WATERE	Tatana	Waitaki South
24	TE WETI	Riria	Waihao
25	HARIHONA	Amiria Wi	
26	HOKIANGA	Ani	Akaroa
27	HOKIANGA	Nare Nohomoke	Akaroa
28	HOKIANGA	Hira	Akaroa
29	HOKIANGA	Peni	Akaroa
30	HOKIANGA	Kerehoma	Akaroa

No	Surname	First Name	Abode
31	HOKIANGA	Hana	Akaroa
32	KIRIHOTU	Irihapeti	
33	MAHAKA	Riki	
36	RANGIMAKERE	Kehaia	Port Levy
37	RANGIMAKERE	Rena	Port Levy
38	WAAKA	Teone	Wairewa
39	WAAKA	Tamati	Wairewa
40	WHATAKIORE	Jane	
41	WHATAKIORE	Tawara	
42	KAPITI	Timaima	Waihao
43	KAKAU	Tihema Te Urukaio	Cambridge
44	HAURAKI	Hira	
45	TAUKORO	Hoani	Waikouaiti
46	TAUKORO	Rawiri	
47	WAKENA	Teoti	
48	WAKA	Mere	
49	TE PAINA	Rora	Oraka
50	KOU	Hana (Pikamu)	Arowhenua

Appendix C: SILNA History

SILNA scheme⁸

In the second half of the nineteenth century, Ngāi Tahu rangatira asserted that the Crown had failed to fulfil its promises of Māori reserves made during its Te Waipounamu (the South Island) land purchases in the 1840s and 1850s.

The Crown appointed two Commissions of Inquiry in the 1880s and 1890s to investigate these matters. The Commissioners reported that as a result of extensive land purchases in the 1840s and 1850s, and other factors associated with the settlement of Te Waipounamu by Europeans:

- Ngāi Tahu as a tribe and as individuals had been left without sufficient land to sustain themselves; and
- Only 10% of the tribe had sufficient land to provide a living.

In response to the findings of the Commissions of Inquiry, in 1892 the Native Minister met with Ngāi Tahu rangatira at Otago Heads, where he indicated that the Crown would be prepared to make land available for those who had no or insufficient land. However, the land blocks would not be in their preferred location.

Allocation

Between 1893-1905, Commissioners appointed by the Crown, with the assistance of Ngāi Tahu rangatira, compiled lists of South Island Māori who were identified as being landless or without sufficient land, and assigned sections of Crown land to them. In 1895 the scope of this allocation work was extended to all landless Māori in the South Island, not only members of Ngāi Tahu.

Approximately 57,652 hectares⁹ of land were allocated to 4,064 Māori.

⁸ This information is sourced from the 'The Waimumu Trust (SILNA) Report' Waitangi Tribunal Report 2005, and Section 15 of the Ngāi Tahu Deed of Settlement.

⁹ Total identified in 1914 Commission of Inquiry by Gilfedder and Haszard into the status of SILNA lands was 142,463 acres, or 57,652 hectares.

The Commissioners noted in their report that:

- While there was enough land to allocate, much of it could not be profitably occupied as homes.
- Not all those provided for were entirely landless, but all had fewer than 50 acres, if adults, or 20 acres, if minors.
- The allocations intended to provide at least 50 acres to adults and 20 acres to minors, except for Ngāi Tahu Māori who lived north of Canterbury, who were allocated 40 acres for each adult because the Crown considered it had never made them promises of reserves.
- Legislation should be passed so that titles for the allocated land could be issued, and the Commissioners included a draft Bill in their report for this purpose.

Blocks were allocated primarily in whānau groupings. The Crown land allocated was in remote, often inaccessible locations, usually with little to no connection to the ancestral whenua of the whānau to whom it was allocated.

Legislation to enable transfer of title – South Island Landless Natives Act 1906

The Commissioners' draft Bill included a preamble, which was later removed, which said:

"Whereas in consequence of numerous petitions received from the Natives of the South Island relative to the non-fulfilment of promises made them on the cession of their territory in that Island to the Crown, that additional land, sufficient for their future wants, should be set apart for them and their descendants..."

The draft Bill was amended before being introduced into the House by the Native Minister and before being passed by Parliament, but followed the Commissioners' draft for the most part. The South Island Landless Natives Act 1906 (**SILNA**), as enacted by Parliament, defined 'landless Natives' as 'those without sufficient land for support and maintenance...' and provided for land to be transferred in accordance with the Commissioners' recommendations.

Approximately 57,000 hectares of land was transferred to beneficiaries under SILNA.

Repeal of the SILNA in 1909

The Native Land Act came into force in 1909. It aimed to consolidate all the legislation affecting Māori land into one measure, with the aim of sweeping away restrictions on alienating land owned by Māori. In doing so, the SILNA was one of 99 Acts repealed.

Two months before the repeal of SILNA took effect through the Native Land Act, commissioners of Crown lands were urged to finalise all survey work, so that SILNA lands and their owners could be gazetted. This work remained incomplete, however, and no provision was made for continuing SILNA's vesting provisions after the repeal. As such, some SILNA lands which had been allocated, but which had not yet transferred to the beneficiaries by 1909, remained untransferred.

Hāwea/Wānaka beneficiaries

The Hāwea-Wānaka SILNA block, originally located at 'The Neck' of the two lakes (Lake Hāwea and Lake Wānaka), was allocated to 50 original beneficiaries¹⁰ - see **Appendix F**. The original 50 beneficiaries resided¹¹ at various places around the South Island, including Kaiapoi, Kaikoura, Akaroa, Port Levy and Waikouaiti. No original beneficiaries appeared to have resided in the Hāwea area.

The amount of land allocated to the 50 original beneficiaries was informed by the amount of land they already owned, and how much more was required to bring them to the amount for sufficiency (the 50 or 20 acre mark).

Other SILNA lands the subject of Section 15 of the Ngāi Tahu Deed of Settlement

Section 15 of the Deed provides for the Hāwea/Wānaka Substitute Land in substitution for the untransferred Hāwea-Wānaka SILNA land. Section 15 also provides for redress in relation to the Whakapoai (West Coast), Toi Toi (Rakiura) and Port Adventure (Rakiura) untransferred SILNA lands.

As with Hāwea-Wānaka, the beneficiaries to the redress will be the successors to persons originally allocated each of those untransferred SILNA blocks. In each case it will be a different group of individuals, not limited to Ngāi Tahu Whānui, but subject to who the original beneficiaries allocated those SILNA blocks were. The successors entitled to redress in relation to those other untransferred SILNA blocks are yet to be identified by the Māori Land Court.

¹⁰ The Ngāi Tahu Deed of Settlement indicates 57, but the Māori Land Court has ascertained that interests were in fact allocated to 50 individuals only in the original Native Land Register.

¹¹ Native Land Register 1895.



Appendix D: Information about the Hāwea/Wānaka Substitute Land

The Hāwea/Wānaka Substitute Land (the Land), is described as Section 2 of 5 Block XIV Lower Wanaka Survey District.

It has an area of approximately 50.7 hectares (ha). The Land, known to locals and mountain bikers as 'Sticky Forest', is located south of where Lake Wānaka feeds into the upper Clutha River/Mata-Au, and north-east of Wānaka township.

It is currently held by the Crown awaiting transfer in accordance with Section 15 of the Ngai Tahu Deed of Settlement.

Te Tari Whakatau administers the Land and has engaged a private company to manage the forest. The forestry manager engaged by Te Tari Whakatau is responsible for regularly inspecting the Land and advising on any maintenance required.

Value and costs of the Land

Rates are charged by the Queenstown Lakes District Council (www.qldc.govt.nz/rates) and the Otago Regional Council (www.orc.govt.nz/Information-and-Services/Rates).

Rates charged for 2024/25 were:

Costs:	Total 2024/25 (GST incl)
Rates: QLDC	\$6,398.00
Rates: ORC	\$2,549.47
Total for 2024/25:	\$8,947.47

The Land was revalued for rating purposes in September 2024 from \$7.5 million to \$26.5 million. As such, rates for the land are likely to increase.

The contractor’s fee to manage the Land is an additional cost to rates. While the Land is held by the Crown pending transfer to the successors, costs are being covered by the Crown, through Te Tari Whakatau.

The District Plan as it applies to the Land

When the Land was committed in 1997, it was zoned Rural Downlands under the Proposed District Plan for the Queenstown Lakes District, and identified as being of Landscape Importance.

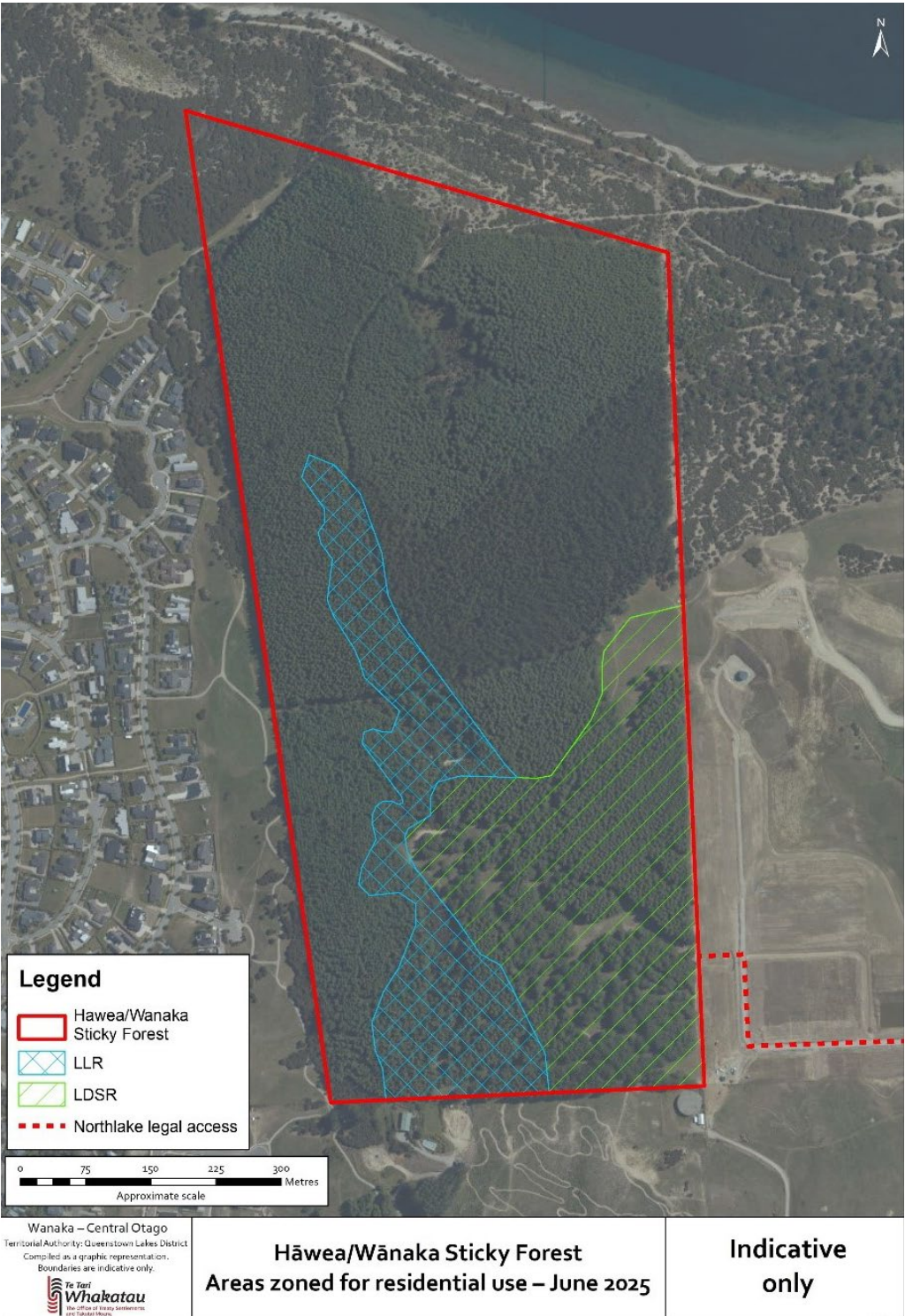
In 2015, Queenstown Lakes District Council released a further Proposed District Plan. The 2015 Proposed District Plan proposed that the land be zoned Rural land outside of the Urban Growth Boundary, and with part of the land subject to the Dublin Bay Outstanding Natural Landscape overlay.

In response to the 2015 Proposed District Plan, one of the Hāwea/Wānaka SILNA successors, Michael Beresford, submitted (in his capacity as a private individual) that the Land should be rezoned for residential use and opposing the ONL overlay.

In 2016 Queenstown Lakes District Council declined Mr Beresford's submission. Mr Beresford then applied to the Environment Court in 2018 to appeal the Council's decision. Michael Beresford passed away in 2021. Two other successors – Theo Bunker and Lorraine Rouse – successfully applied to the Environment Court to continue the proceedings.

Area rezoned for residential use

In 2024, the Environment Court ruled that part of the land – approximately 18 hectares – should be rezoned for residential use, being a mix of large lot residential (LLR) and low density suburban residential (LDSR). See the map below:

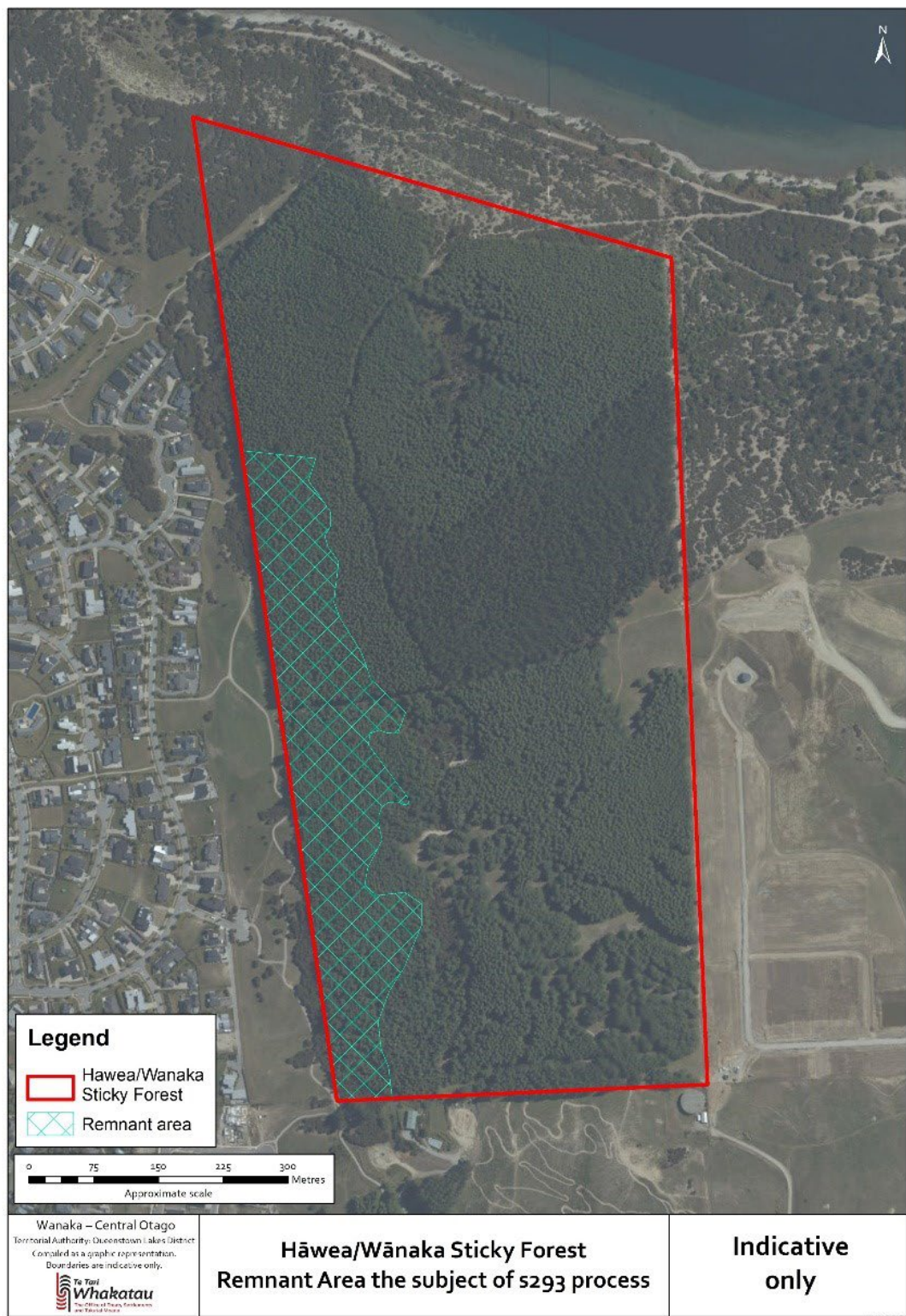


The rezoning of these areas of the Land do not compel the successors to develop the Land (once they own it), but this rezoned area provides the receiving entity the option of seeking a consent to do so.

Section 293 process

There is a live question before the Environment Court, on the back of the above rezoning, as to whether a further 7-hectares should be rezoned for residential use (from its current Rural zoning). This further 7-hectares is labelled the 'Remnant area' in the map legend below.

'Remnant area' – question of zoning before the Environment Court



The Dublin Bay Outstanding Natural Landscape overlay

The Dublin Bay Outstanding Natural Landscape (**ONL**) overlay applies over the northern portion of the Land under the Operative District Plan – see the brown spotted line on the map below as to the boundary of the Dublin Bay ONL on the land.



Sourced from the Queenstown Lakes Proposed District Plan online resource at www.districtplan.qldc.govt.nz/proposed/ on 13 June 2025.

District Plan - Landscape Values and Policy 5.4.4.2

The Queenstown Lakes District Plan includes landscape schedules. These schedules specify the:

- attributes of each ONL in the district plan.
- landscape values of each ONL that must be protected. These values will inform the capacity for the landscape to accommodate use and development.

It is expected that consenting or planning decisions by the Queenstown Lakes District Council in relation to the northern portion of the Land subject to the ONL, will be assessed against the Dublin Bay Priority Area (PA): Schedule of Landscape Values, which is chapter 21.22.22 of the district plan¹². This records that:

20	Hāwea/Wānaka-Sticky Forest is land being held by the Crown under the Ngāi Tahu Claims Settlement Act 1998 for successors to SILNA ¹ beneficiaries to be identified by the Māori Land Court. The Sticky Forest land is in substitution for SILNA land at 'The Neck' which their tupuna were allocated but did not receive. While currently in plantation forest, future owners may seek different uses for this whenua.
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This statement about the Land in the landscape schedules is supported by Policy 5.4.4.2 in the District Plan, which is:

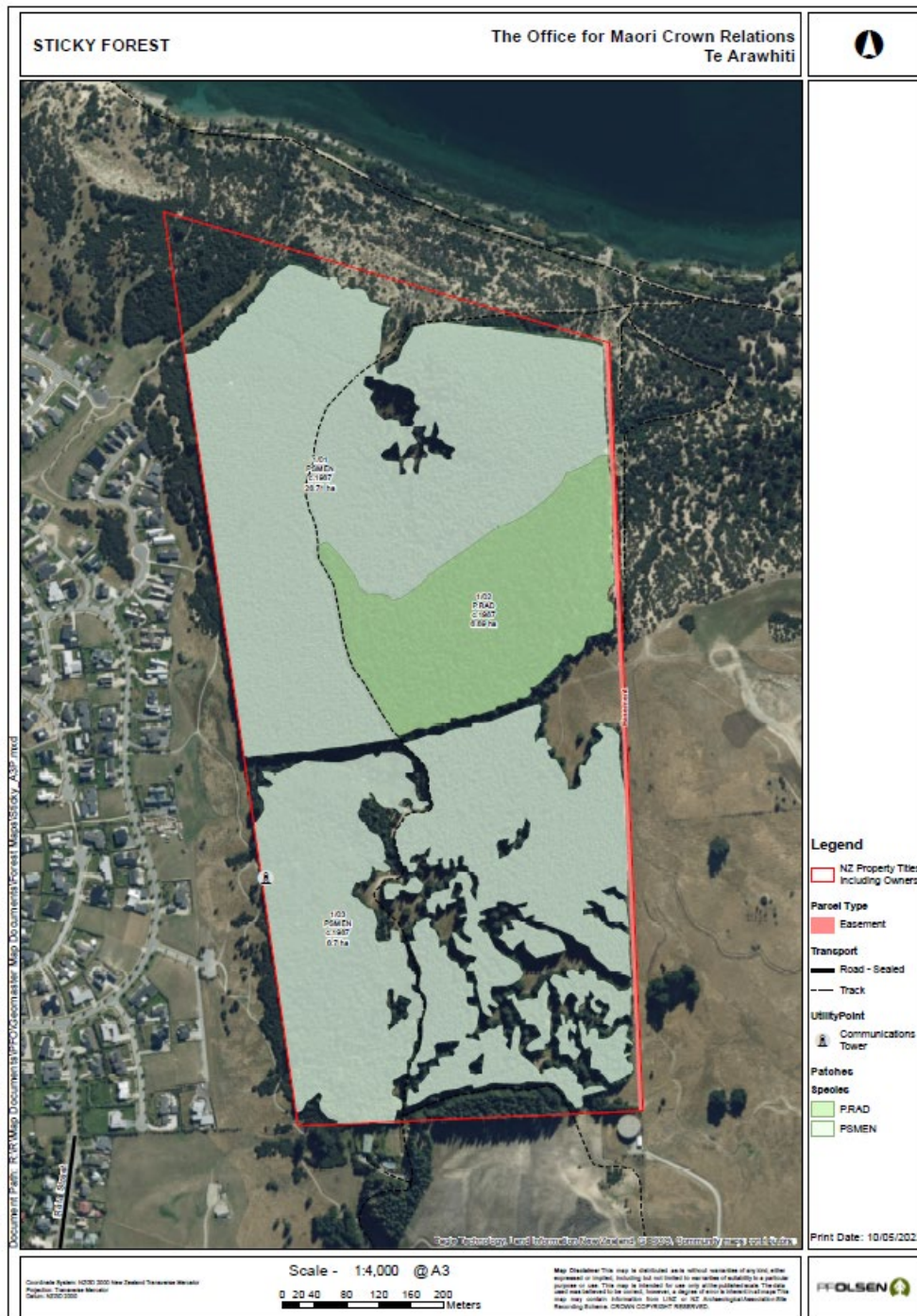
5.4.4.2	Enable the people who receive Hāwea / Wānaka Sticky Forest under the Ngāi Tahu Claims Settlement Act 1998 to manage and use their land in a way that will meet their economic, social, and cultural aspirations.
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¹² You can source 21.22.22 Dublin Bay PA: Schedule of Landscape Values here: [appendix-4-landscape-schedules-2122-and-2123-may-2024.pdf](#) if viewing this booklet electronically.

Plantation forest on the Land

The forest on the Land is approximately 42 hectares in size and has been known locally 'Sticky Forest'. The owners of the forest will be responsible for the forest and its associated costs.

The trees are exotic species: largely Douglas Fir, approximately 34 hectares, and some Radiata pine, approximately 6.9 hectares, and a very small area of larch, less than 1 hectare. The area planted in Radiata pine is shown in darker green on the map below.



Harvest costs

PF Olsen advised Te Tari Whakatau in January 2023 that to harvest the forest would have a net cost of approximately \$1.84 million (GST exclusive), not including costs involved in securing access for harvesting purposes. This total cost does include the estimated costs associated with securing required consents for this activity. This cost is in part related to the distance of the forest from ports and market, the value of timber at that time, but also because a harvest gang and machinery would need to be brought into town and accommodated for this activity (given there is not a lot of forestry activity in this region).

Exemption from ETS liabilities

A liability under the Emissions Trading Scheme (ETS) arises four years after harvesting a pre-1990 forest, if the land has not been replanted in a forestry crop, or actively converted to indigenous species in compliance with the Climate Change Response Act 2002.

In 2023, an exemption from the ETS was granted in favour of 42 hectares of forest on the land on the basis of the wilding risk it poses. A wilding risk is the risk that the exotic trees will spread as a weed species over the surrounding area. This exemption is registered on the title for the Land and will transfer with the Land. If any of the 42 hectares of exempted forest is harvested, this will not raise an ETS liability. There is no other ETS liability associated with the remainder of the Land.

Legal Access to the land

The 'Stage 18' subdivision on the adjoining land to the east owned by Northlake Investments Ltd (Northlake) will include a legal road to the Land. The 'Stage 18' consent requires Northlake build a road with underlying service connections to the Land, between their lots 29 and 30. This connection will vest in Queenstown Lakes District Council as local road.



The road to be built by Northlake will be of a different gradient to the Land. Should the successors decide to develop the Land, they would need to seek consent for the development and could include seeking a consent to finalise the road on their side of the boundary at that time.

Current use of the Land

The public currently access the Land for recreational purposes through neighbouring public reserve land or via private roads that border the property.

Mountain biking on the land

As former Council land, the Land is a popular location for mountain biking. Local mountain bikers have built an extensive network of mountain biking trails through the forest on the land.

While the Crown has held the land pending the Section 15 process to effect transfer, the public access has not been prohibited. Since the land reverted to Crown ownership through the Ngāi Tahu Claims Settlement Act 1998, the Crown has not prohibited use of tracks which already existed on the Land. But use by the public is on the understanding that no new tracks or structures are to be built.

Signs on the land indicated that use must be on the understanding that:

"Until Further Notice the Public May Use Existing Trails for Walking and Cycling Provided they Respect this Place and the Following Conditions of Entry.

The construction or erection of any jumps or ramps or other structures in the plantation /Sticky Forest is prohibited.

Cutting or otherwise causing damage to trees and altering or damaging trails in the plantation/Sticky Forest is prohibited.

The Lighting of Fires and camping in the plantation/Sticky Forest is prohibited.

Members of the Public should be Aware that neither the forestry manager nor the crown accept any responsibility or liability for injury or damage that may occur to any person or property as a consequence of entering the land."

These are the grounds of entry as currently permitted by the Crown as interim landowner.

Te Tari Whakatau has conveyed in various district planning processes that this Land is Treaty settlement redress and will be privately owned, and that current use by the public is not a legal right.

Other current land use

Easement to convey water

The Land was vested in the Queenstown Lakes District Council prior to the enactment of the Ngāi Tahu settlement and the Wanaka township water supply runs over the land. This land use is formalised by way of a legal right to convey water over part of the Land through an easement in favour of the Council registered on the title. The land affected is 5 meters wide along the eastern boundary. The water is stored on adjoining land to the south of the Land. The future owners cannot cancel this right in favour of the Council.

Temporary cell tower installation

In the summer of 2016-2017, cell phone usage in Wanaka exceeded the Spark network capacity and resulted in a network collapse. Users in the area had poor or limited reception. Spark identified the Land as being the location that would provide the coverage the network needed to avoid future collapse, and the benefit of being able to conceal the tower. Spark engineers identified the Land as ideal due to its location and elevation. Noting that cell phone network failure raised public safety concerns, Te Tari Whakatau agreed to Spark installing a temporary cell tower on the Land, on the basis this would not prejudice the future owners.

This temporary land use was formalised through a licence, with an associated licence fee of \$7,000 per annum (or \$8,050 GST inclusive).

At this point, Te Tari Whakatau can ask Spark to remove the cell tower with one week's written notice.

- The cell tower would be removed in the same manner it was installed, across the adjoining reserve land to the west.
- The pole is buried in the ground, not concreted in, and the cabinets are sitting on the ground. Removal should take 1-2 days, weather permitting.

Spark would like to speak with the future owners about whether they would consider entering into a permanent agreement as to this land use, namely through entering a lease. It would then be for future owners to negotiate the terms of use.



Appendix E: Entitlement to Succession

Entitlement to succeed to the 50 Original Beneficiaries to the Hāwea/Wānaka SILNA Land is prescribed by Section 15 of the Ngāi Tahu Deed of Settlement (clause 15.6.2). This says that succession is to be determined as if section 109 of the Te Ture Whenua Māori Act 1993 applied to the Original Beneficiary, and to every Successor to the Original Beneficiary, upon his or her death.

Section 109 normally only applies if an owner of land (land which is subject to Te Ture Whenua Māori Act 1993) died intestate. Intestate means that owner did not leave a will specifying who is entitled to their share interest in the land upon their death.

In accordance with the Ngāi Tahu settlement provisions, the share interest of every Original Beneficiary to the Hāwea/Wānaka SILNA Land, and the share interest of every successor in every generation since, is to be treated as if they died intestate (even if they did leave a will in relation to their existing estate).

Adherence to section 109 of Te Ture Whenua Māori Act 1993 entails that upon the death of a successor to the Hāwea/Wānaka SILNA land:

- The deceased's children are entitled to any interests in equal shares.
- Children legally adopted into the family are included in the entitlement, but children legally adopted out are not. The Adoption Act 1955 effects who is legally entitled to be a successor. This is determined by a Judge depending on the circumstances.
- Whāngai are not entitled to succeed unless they have been legally adopted under the Adoption Act 1955.
- If the deceased had no children, his or her brothers and sisters are entitled to interests. Any half brothers and sisters are entitled to share only in interests that the deceased obtained from their common parent.
- If the deceased has no brothers and sisters, it will be necessary to find out where the interests came from and from that whakapapa work out where the interests should go.

Please note, that only the first living generation is entitled to be on the successor list at any given moment in time. Multiple generations are not entitled to share interests in the land. It is only upon a successor's death, that the next generation is entitled to apply to the Māori Land Court to be recognised as their successor.

Ongoing succession work by Māori Land Court

Māori Land Court officers will continue to process incoming applications for succession to deceased Hāwea/Wānaka SILNA successors on the list, until the Court determines the list is final. To participate in the 'Part 9' voting process, and to benefit from the Land:

- Ensure your contact details with the Māori Land Court remain current so you can receive updates and a voting pack. The webform for this purpose can be found online by searching for 'update your details Hāwea/Wānaka SILNA'.¹³
- Applications to succeed to a deceased person on the list should be made as soon as possible. There is no fee for such an application, if the confirmed form is used. This can be downloaded from the SILNA page of the Māori Land Court website¹⁴. Or contact the Māori Land Court – Te Waipouanamu -see page 2 for contact details.

¹³ Or by clicking here if viewing this document electronically www.maorilandcourt.govt.nz/en/who-we-are/our-rules-and-legislation/silna/update-your-details-hawe-wanaka-substitute-silna-block

¹⁴ www.maorilandcourt.govt.nz/assets/Documents/SILNA/S113-29-93-Appln-to-Determine-Successors-for-SILNA-Lands-Hawe-Wanaka.pdf



Appendix F: Frequently Asked Questions

Why do I get the number of shares I do?

The number of shares you are entitled to, is the result of:

- How much land was allocated to your tūpuna/ancestor(s) under the original Hāwea/Wānaka SILNA allocation.
- How much land was allocated to your tūpuna was determined by how much land they already owned. If they were completely landless and were an adult, they were allocated 50 acres. If they were a child, they were allocated 20 acres under SILNA. If they already owned land, this was deducted from the 50 or 20 acres.
- How many successors there have been in each generation before you, and how many there are in your generation.

Will I be entitled to my own block or portion of the Substitute Land?

Under Section 15 of the Ngāi Tahu Deed of Settlement, the successors are to vote how to receive and hold the Land. The Land will transfer with one title to be held for the benefit of all the successors collectively, as either Māori Freehold land or General land. The Ngāi Tahu Claims Settlement Act 1998 does not provide for the land to be subdivided among the future owners.

Neither you, nor your whānau, will receive a distinct lot or portion of the Land when the land transfers from the Crown under Section 15 of the Deed.

The ability to subdivide the Land in the future is not assured. Upon receipt, the owners of the land could seek to pursue:

- a partition order from the Māori Land Court in accordance with Te Ture Whenua Māori Act 1993, if the Land is received as Māori freehold land; or
- subdivision of the Land in accordance with the Resource Management Act 1991 and the District Plan, if the Land is received as General land.

What are the implications of my share interest?

Your share interest in the land will determine the weight of votes you cast in relation to how the successors should receive and hold the Land. This is because the Ngāi Tahu Deed says that voting is to be in accordance with the Māori Assembled Owners Regulations 1995 (under Part 9 of Te Ture Whenua Māori Act 1993).

Subject to how the successors decide to receive and hold the Land, your share interest may also influence future decision-making after the Land has transferred.

Can I receive my share interest as cash?

No. The Crown is required under the Deed of Settlement and the Ngāi Tahu Claims Settlement Act 1998 to transfer the Land. The Crown cannot convert the value of the Land into cash and transfer that instead.

As to what the owners of the land might do with the Land after they receive it, will be subject to future decision-making and the way in which the successors choose to receive the Land (e.g. as General land or Māori freehold land), will impact on options. If the land is taken as Māori freehold land, any disposals out of collective ownership will be subject to restrictions on disposals under Te Ture Whenua Māori Act 1993.

Can I transfer my share interest to someone else?

Until the Land transfers in accordance with the Deed, the Land remains Crown-owned. Until the Land transfers, you do not own it yet. As such, you cannot transfer the share interest to which you are entitled, on to another member of your family or anyone else.

After the Land has transferred to a party/parties chosen by the successors, then whether or not an interest in the Land can be transferred will be subject to the nature of how the land is held.

Why are there 1,558.663 total shares available to the successors? Where does this figure come from?

The 50 original beneficiaries were allocated the original Hāwea/Wānaka SILNA Land at 'The Neck', comprising 1,552 acres, 23 roods and 146 perches in total. The Hāwea/Wānaka Substitute Land is not the same size as the original SILNA land at 'The Neck'. Converting the area of SILNA land at 'The Neck' to the Metric system equates to a total of 1,558.663 shares in the Substitute Land. What each successor is entitled to, is calculated as a share interest in the Substitute Land.

Are the original SILNA land and the substitute land the same size?

No. The Land (approximately 50 hectares) was determined to be roughly the same value as the original SILNA land at the time of the Ngāi Tahu settlement.

Is the Land in the same general area as the original grant?

Yes – the original Hāwea/Wānaka SILNA Land allocated to the 50 Original Beneficiaries is located between lakes Wānaka and Hāwea at a place called 'The Neck'. The original Hāwea/Wānaka SILNA Land is approximately 40 kilometres north of the Land available to the successors. See the map on the following page.

The location of the Hāwea/Wānaka Substitute Land relative to the original Hāwea/Wānaka SILNA land





Te Tari

Whakatau

The Office of Treaty Settlements
and Takutai Moana

