

# The Hāwea-Wānaka Substitute Block

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A South Island Landless Natives Act 1906 (SILNA) Block



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# The Hāwea-Wānaka Substitute Block

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This booklet provides a summary about the Hāwea-Wānaka Substitute Block (the “Block”) to help the owners make informed decisions about the future of their land. Since the Ngāi Tahu Claims Settlement Act in 1998, the Crown has worked to identify the owners of the Block. This has now been completed. The time has come for the Block to be vested in its owners.

To be vested, the owners of the Block must vote on two matters pertaining to the land. They need to decide:

1. whether to vest the land as Māori Freehold Land or General Land; and
2. the manner in which the vested land will be held by the owners.

These decisions will be made by a vote of owners at an Assembled Meeting of Owners that will be held in Christchurch. This meeting is scheduled to occur on **Saturday, 8 February 2014**. Prior to that hui, pānui notifying the date and venue will be sent to owners we have addresses for. To check if you are an owner of the Hāwea-Wānaka Substitute Block, the list of owners is available on the following websites:

- [www.justice.govt.nz/courts/maori-land-court](http://www.justice.govt.nz/courts/maori-land-court)
- [www.tpk.govt.nz](http://www.tpk.govt.nz)
- <http://ngaitahu.iwi.nz/te-runanga-o-ngai-tahu>

If you have any questions or want more information on matters described in this booklet, you can contact The Māori Land Court or Te Puni Kōkiri:

## **The Māori Land Court,**

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# Frequently Asked Questions (FAQs)

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- **What is SILNA?**

SILNA is the South Island Landless Natives Act 1906. This Act awarded blocks of land to approximately 4,000 South Island Māori, but before this process was completed, the SILNA Act was repealed by the Native Land Act 1909.

The allocation of the following four blocks of land was not implemented: Hāwea-Wānaka, Toitōi, Port Adventure and Whakapoai. Section 15 of the Ngāi Tahu Deed of Settlement acknowledged the failure by the Crown to implement the allocation of these blocks to their owners.

- **What is the Hāwea-Wānaka Substitute Block?**

The Hāwea-Wānaka Substitute Block is a piece of land identified in the Ngāi Tahu Claims Settlement Act 1998. The original Hāwea-Wānaka Block was not available as settlement redress for Ngāi Tahu in 1998, so a substitute block of land was negotiated. This substitute land is known as the Hāwea-Wānaka Substitute Block.

The Hāwea-Wānaka Substitute Block is to be vested in the descendants of the original owners of the original Hāwea-Wānaka block.

- **Is the block in the same general area as the original grant?**

Yes – the original block is located approximately 40 kilometres north of the substitute block at a place called ‘the neck’, between lakes Wānaka and Hāwea.

- **How much is the original block, ‘the neck’, worth?**

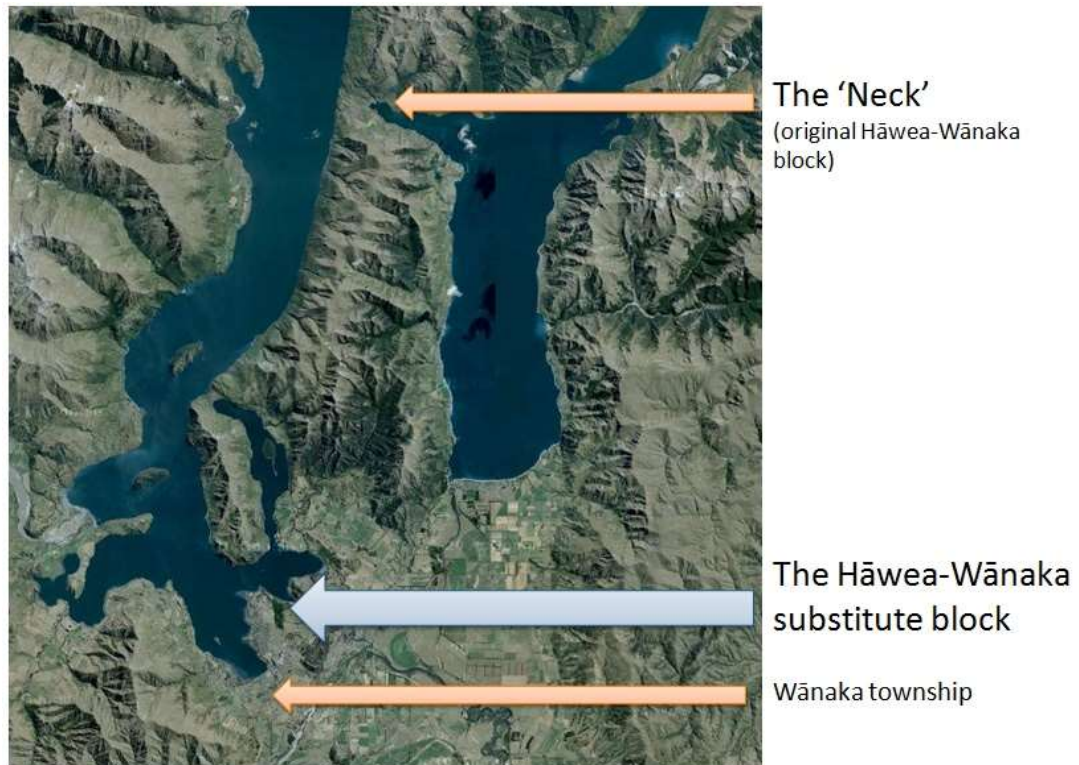
We do not know. When the settlement was completed the substitute block was chosen because it was of a similar value and was close in location to the original block.

- **Is this the same acreage as ‘the neck’?**

No. Settlement was for the same area of a similar or same value.

- **Where is the Hāwea-Wānaka Substitute Block?**

The Hāwea-Wānaka Substitute Block is located just north of the township of Wānaka in Otago (below). Its official name is Section 2 of 5, Block XIV, Lower Wānaka Survey District.



- **Who were the original owners?**

There were originally 57 grantees (owners) but it was later determined that there were 4 people who appeared twice in the list so there were only 53. The original owners were listed in official documents in 1906.

- **How did my name get into the list of owners?**

The whakapapa unit at Te Rūnanga O Ngāi Tahu was able to provide information to the Māori Land Court of who the descendants of the original owners are. This information was then cross referenced with the records of the Māori Land Court. The Māori Land Court then produced a list of owners.

- **How can I check if I am a descendant of the original owners?**

There is a list of owners on the websites for the Māori Land Court, Te Puni Kōkiri and Te Rūnanga o Ngāi Tahu.

- **How many other owners are there?**

There are 1,019 owners in total.

- **How many shares are there in the block?**

There are 1,555.038 shares. These shares are delegated based on descent and so are not necessarily divided evenly between the owners. The owners list contains details on how shares are allocated.

- **How will the Hāwea-Wānaka Substitute Block be returned?**

The process to return the Hāwea-Wānaka Substitute Block was decided during settlement negotiations between Ngāi Tahu and the Crown. The process is determined by Section 15 of the Ngāi Tahu Deed of Settlement and Part 15 of the Ngāi Tahu Claims Settlement Act 1998.

- **How does the Hāwea-Wānaka Substitute Block relate to other SILNA blocks?**

The process to vest the Hāwea-Wānaka Substitute Block is unique and separate to all other SILNA lands. This includes all SILNA blocks that were successfully allocated to owners before the SILNA Act was repealed in 1909; and the Waimumu Trust Claim WAI 1090, heard under urgency by the Waitangi Tribunal in 2005.



**ABOVE: The forests on the Hāwea-Wānaka Substitute Block are exotic species and there are several bicycle tracks on the land. Image: Google Maps, <https://maps.google.co.nz/maps?hl=en&tab=wl>**





# Current Management of the Hāwea-Wānaka Substitute Block

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- **Title and management**

The Hāwea-Wānaka Substitute Block is known as Section 2 of 5, Block XIV, Lower Wānaka Survey District. It has an area of approximately 50.7 hectares, and is located near Lake Wānaka.

The land had its reserve status removed under the Ngāi Tahu Claims Settlement Act 1998 and is currently held on trust by the Minister for Treaty of Waitangi Negotiations and the Minister of Māori Affairs. The Office of Treaty Settlements administers the land and they have engaged a private company to manage the forest.

The block is zoned as Rural General land. There are no legal access roads on to the block. Pedestrian access is available through neighbouring Public Reserve Land or via private roads that border the property. For more information on public access to the block, visit the Walking Access Mapping System compiled by the New Zealand Walking Access Commission available at [www.walkingaccess.govt.nz](http://www.walkingaccess.govt.nz).

- **Value and costs of the block**

In 2011, the Hāwea-Wānaka substitute block was valued at \$6 million. Costs for the land total approximately \$8,500 per annum. They include approximately \$7,500 for rates, as well as other expenses such as road and forest signs, and insurance.

Rates are charged by the Queenstown Lakes District Council ([www.qldc.govt.nz/rates](http://www.qldc.govt.nz/rates)) and the Otago Regional Council (<http://rates.orc.govt.nz/search.php>). The valuation reference is 29051/00500.

The contractor's fee to manage the land is an additional cost to these annual costs. While the land is held in trust by Ministers, all costs are being covered by the Crown.

- **Forest on the block**

The forest on the block is approximately 40.1ha in size and is known locally as Plantation Forest or Sticky Forest. The forest will be owned by the owners, who will be responsible for the forest and its associated costs.

The trees are exotic species: Douglas fir and *Pinus radiata*. The majority of the trees will not be ready to be harvested until 2032 - 2042. The forest will need to be professionally managed.

- **The Emissions Trading Scheme (ETS)**

Most of the forest on the Hāwea-Wānaka Substitute Block was planted prior to 1990. These trees are automatically subject to the Emissions Trading Scheme (ETS).

It is estimated that up to 16ha was planted post-1989. It will be up to the owners or their trustees to decide whether they will want to opt-into the ETS for these trees.

The company that is currently managing the block has advised that there are advantages and disadvantages in choosing to participate in the ETS. They also advise that for forests smaller than 20ha (as this post-1989 forests is) there is an only a marginal financial benefit. Considering that the pre-1990 forests on the land are already part of the ETS, the associated penalties for deforesting the land and converting it to a use other than forestry will likely include a substantial financial cost.

- **Mountain biking on the block**

As former council land, the block is a popular location for mountain biking. A local company, Bike Wānaka, hosts annual cycle races on the block. In doing so, they have accepted all liabilities for cyclists during the event.



**ABOVE:** The Hāwea-Wānaka Substitute Block is approximately 50.7ha in size and is covered by approximately 40ha of forests. It is located just north of the Wānaka township. Image: Google Maps, <https://maps.google.co.nz/maps?hl=en&tab=w/>

# Vesting the Hāwea-Wānaka Substitute Block

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The owners of the Hāwea-Wānaka Substitute Block are required by the Ngāi Tahu Deed of Settlement and the Ngāi Tahu Claims Settlement Act 1998 to vote on two matters. The Section 15.7.5 of the Ngāi Tahu Deed of Settlement states that two matters are to be decided:

- a) **The status of the land to be vested in them [the owners] (or the entity to hold the land on their behalf) by deciding whether the land is to be vested as:**
  - a. **Māori freehold land; or**
  - b. **General land.**
  
- b) **The manner in which their land will be held by them [the owners] by deciding whether the land is to be vested in:**
  - a. **The Successors as tenants in common with an undivided share in proportion to each Successor's share of his or her Original Beneficiaries interest determined in accordance with *clauses 15.6.2, 15.6.3 and 15.6.4*;**
  - b. **A Māori Incorporation established under Part XIII of the Te Ture Whenua Māori Act 1993;**
  - c. **An ahu whenua trust constituted under section 215 of the Te Ture Whenua Māori Act 1993; or**
  - d. **Any other manner the Successors of the land in question decide upon.**

These decisions will be made by a vote of owners at an Assembled Meeting of Owners that will be held by the Māori Land Court in Christchurch. This meeting will be held on **Saturday, 8 February 2014**. The time and venue of this meeting will be publicly notified in newspapers and sent to owners we have addresses for.

The information in this section is provided to help you in making decisions about the vote.

- **Māori Freehold Land or General Land**

The Ngāi Tahu Deed of Settlement states that the owners need to choose whether the block will be Māori Freehold Land or General Land according to the definitions provided in section 129 of Te Ture Whenua Māori Act 1993 as follows:

**Māori Freehold Land is land the beneficial ownership of which has been determined in the Māori Land Court by freehold order.**

**General Land is land, other than Māori Freehold Land and General Land owned by Māori, which has been alienated from the Crown for a subsisting estate in fee simple.**

There are some differences between these types of land. For example, Māori Freehold Land is subject to Te Ture Whenua Māori Act 1993. You should discuss the two land options with your whānau before voting.

- **Vesting the Block**

The Ngāi Tahu Deed of Settlement provides four options in how the owners can vest the Block. They are:

- the land is vested in the owners as tenants in common with an undivided share;
- the land is vested in a Māori Incorporation established under Part XIII of Te Ture Whenua Māori Act 1993;
- the land is vested in an ahu whenua trust constituted under section 215 of Te Ture Whenua Māori Act 1993; or
- the land is vested in any other manner that the owners decide upon.

It will be up to the owners to establish a management structure for the land in accordance with whichever of the four options above receives the most votes.

- **What does owners as tenants in common with an undivided share mean?**

Owners hold a beneficial interest (shareholding) in the block with the other successors. Your share is calculated on how many descendants there are from the original owner. For example, if Tame had 10 shares and he had five kids, they'd each get two shares.

- **What is a Māori Incorporation?**

A Māori Incorporation is a structure similar to a company. Its purpose is to facilitate and promote the use and administration of Māori Freehold Land on behalf of the owners. Māori Incorporations are designed to manage whole blocks of land and are the most commercial of all Māori land management structures.

- **What is an Ahu Whenua Trust?**

This is the most common Māori land trust. It is for Māori Freehold Land, and is designed to promote the use and administration of the land in the interest of the owners. This form of trust is often used for commercial purposes.

- **What are the benefits of these options?**

We are unable to decide for you and it must be determined through the vote by owners. Any Māori Freehold Land does have the advantage of the Māori Land Court administering and maintaining the list of owners.

- **What management structure options do we have if the owners choose for the block to be vested as general land?**

If the land is vested as general land, the options available include a private trust, a charitable trust or a company to manage the land.

- **What is a private trust?**

A trust is an 'equitable obligation' that nominates trustees to look after property for the benefit of persons who are called beneficiaries. Private trusts are often used for private purposes such as preserving a family fortune, planning successions for a family business and avoiding any major disruptions due to death.

- **What is a charitable trust?**

Charitable trusts are trusts established to undertake a 'charitable purpose' and are unable to undertake commercial activity. A 'charitable purpose' means every purpose that in accordance with the law in New Zealand is charitable, including aiding poverty, religious instruction, towards sports and recreation etc. Charitable trusts can be incorporated as a Board under the Charitable Trusts Act 1957

- **What is a company?**

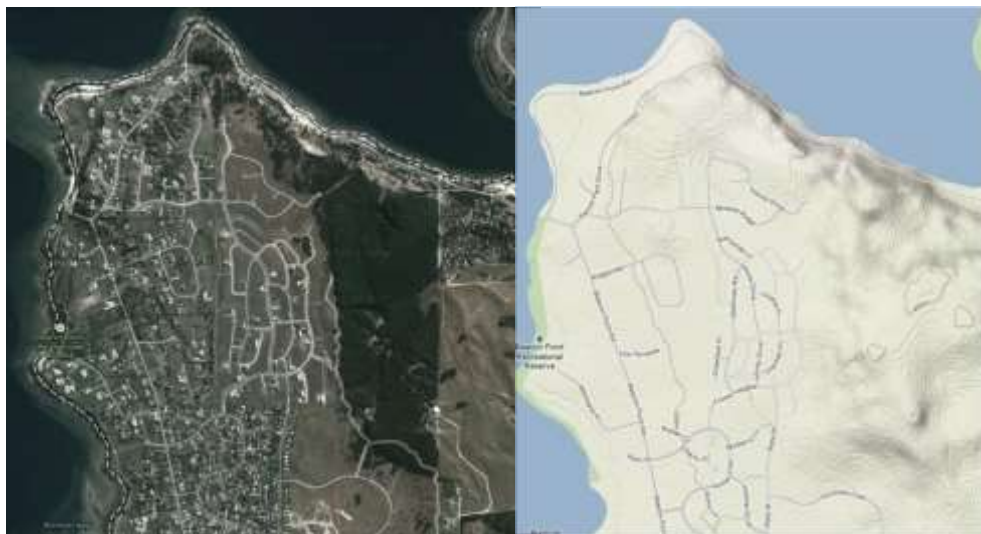
A company is an entity registered under Part 2 of the Companies Act 1993.

- **Voting process**

The Māori Land Court will hold a formal vote on Saturday 8 February 2014 so that the owners of the Hāwea-Wānaka Substitute Block can make the two decisions described above.

This voting process will be conducted as a Māori Assembled Owners Meeting in accordance with the Māori Assembled Owners Regulations 1995.

If you are an owner of the Hāwea-Wānaka Substitute Block and have not provided your contact details to the Māori Land Court, you should do this as soon as possible to ensure you can participate in the vote. If you know of any other owners who have not received information about this process, encourage them to provide their contact details to the Māori Land Court.



**ABOVE:** The Hāwea-Wānaka substitute block is located in close proximity to residential areas. The image on the right gives an indication of the terrain of the block, which includes several hills and dips that have made the land suitable for mountain biking. Images: Google Maps, <https://maps.google.co.nz/maps?hl=en&tab=wl>

- **Additional Information**

Copies of the following documents are available at the websites for the Māori Land Court, Te Puni Kōkiri and Te Rūnanga o Ngāi Tahu:

- The list of owners for the Hāwea-Wānaka Substitute Block.
- Section 15 of the Ngāi Tahu Deed of Settlement.
- Part 15 of the Ngāi Tahu Claims Settlement Act 1998.
- The Computer Freehold Register and maps for the Hāwea- Wānaka Substitute Block and surrounding blocks.
- Zoning restrictions for the Hāwea-Wānaka Substitute Block.

## **For More Information**

please contact the following agencies:



### **The Māori Land Court**

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DX Box WX11124

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