Before an Independent Hearing Panel
Proposed Lower Hutt District Plan

under: the Resource Management Act 1991

in the matter of: 30 Benmore Crescent, Manor Park

Evidence of Dr Robert Andrew McClean for Te Rūnanga o Toa Rangatira, Zoning of No.30 Benmore Crescent, Manor Park.

27 October 2026

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Introduction

1. My full name is Robert Andrew McClean. I am a principal advisor with Te Rūnanga o Toa Rangatira.
2. I am an Adjunct Teaching Fellow with the Museum and Heritage Studies Programme at the Stout Research Centre, Te Herenga Waka, Victoria University of Wellington and an Honorary Research Associate within the School of People, Environment and Planning, Massey University.
3. I hold a Bachelor of Resource and Environmental Planning (Massey University, 1995), a Master of Philosophy in Historical Geography (Massey University, 1996) and a Doctor of Philosophy in Museum and Heritage Studies at the Stout Research Centre, Te Herenga Waka, Victoria University of Wellington (PhD, 2026).
4. My doctoral thesis topic concerns Ngāti Toa Rangatira experiences of Cultural Redress in Treaty Settlements and Environmental and Heritage Planning in Aotearoa.
5. I am a full member of the New Zealand Planning Institute (NZPI) (full membership since 2010).
6. I have thirty years of experience in heritage planning, environmental research, environmental policy, advice and cultural heritage. This experience has involved: Planner, Te Rūnanga o Toa Rangatira (1996), Research Officer, Waitangi Tribunal (1997-2002), Heritage and Senior Heritage Adviser, NZ Historic Places Trust (2002-2013), Senior Analyst and RMA Practice Manager & Climate Change Analysis Manager, Ministry for the Environment (2013-2021) and Principal Advisor for Te Rūnanga o Toa Rangatira since May 2021.
7. I have read and agree to comply with the Code of Conduct for Expert Witnesses as contained in the Environment Court Consolidated Practice Note (2023). I also adhere to the NZPI Code of Ethics in my broader involvement in environmental planning in Aotearoa.
8. In accordance with the Code of Conduct, I declare that I am employed by Te Rūnanga o Toa Rangatira and I am therefore not independent of it. Notwithstanding that relationship, this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Scope of evidence

9. This evidence has been prepared in relation to the submission of Te Rūnanga o Toa Rangatira on the Proposed Lower Hutt District Plan, in respect of the zoning of No.30 Benmore Crescent, Manor Park (the proposed zoning).
10. The scope of this evidence is within my qualifications, expertise and experience in terms of the history and cultural values associated with No.30 Benmore Crescent and relevance to the Ngāti Toa Rangatira Claims Settlement Act 2014. I have noted relevant provisions relating to the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement

Act 2009 and comment on relevant environmental planning provisions associated with redress under the Resource Management Act 1991 (RMA), Heritage New Zealand Pouhere Taonga Act 2014, and the Reserves Act 1977.

11. In preparing this statement of evidence, I have considered the following documents:

- Section 32 Report(s) for the various sections of the Proposed District Plan.
- Section 42A Officer's Report, Benmore Crescent, Manor Park (received on Monday 12 October 2026).
- Submissions on the Proposed District Plan received by Hutt City Council on the zoning of Benmore Crescent, Manor Park.

Executive summary

12. The hearing involves the proposed zoning of land owned by Te Rūnanga o Toa Rangatira (the site). The site is legally described as Section 1, 6 SO 493901, and comprises 13.51 hectares in Record of Title 738223; see image below. This land was reacquired by the iwi as part of commercial redress under the Ngāti Toa Rangatira Claims Settlement Act (the Ngāti Toa Rangatira Treaty settlement).
13. This evidence provides an overview of the significance of the whenua in relation to Te Awa Kairangi (Hutt River) and a summary of the various land uses from 1840 to the present day.
14. This evidence cites the statutory acknowledgement of Te Awa Kairangi under section 32 of the Ngāti Toa Rangatira Claims Settlement Act 2014. This citation applies to all activities within, adjacent to, or directly related to the river and is evidence of the association of Ngāti Toa Rangatira with the statutory area in relation to submissions or proceedings before a relevant consent authority, the Environmental Protection Authority, the Environment Court and Heritage New Zealand Pouhere Taonga.
15. The history of the site has involved five main phases:
    a. Original indigenous forest until the 1870s.
    b. Agricultural land (pastoral farming) from 1870s-1953 (including the construction the Wellington-Wairarapa railway).
    c. Ministry of Works and Development and NZ Electricity Department work camp and nursery, (including realignment/electrification of the railway) and Wellington Concrete Pipe Company concrete manufacturing plant (1953-late 1980s).
    d. Since the late 1980s, the main uses have been open space/abandoned land, grazing, nursery and working area associated with the upgrade of State Highway 2 Haywards interchange. There is also the river trail/recreation area near Te Awa Kairangi.
    e. Acquisition by Te Rūnanga o Toa Rangatira in 2020 and lease for development.

16. Major transformation of the landscape occurred during the late 19th century with the logging and burning of the indigenous forest. The construction of the Wellington-Wairarapa railway in 1876 accelerated this process. This railway crossed the site up to the mid-1950s. After the removal of indigenous forest, settlers such as the Judd, Huse and Hodgson families occupied the land for farming.
17. The site was acquired by the Crown in 1953 for a public works camp and the realignment and electrification of the Hutt Valley railway. The railway again crossed the land, with a new bridge over Te Awa Kairangi. Later, the site included a major concrete manufacturing operation and nursery area. In addition, State Highway Two expanded significantly with the opening of the Haywards Interchange in 2017.
18. The end result of this history and associated land uses is that the site known as No.30 Benmore Crescent is virtually surrounded by the railway, State Highway Two and, to the south by Te Awa Kairangi. It is effectively an island with significant historical modifications and land disturbance.
19. In terms of the future, the name Te Kārearea has been gifted by Ngāti Toa Rangatira as an expression of the future potential development of the site at No.30 Benmore Crescent.
20. The zoning of this land may help or hinder the developmental rights of Ngāti Toa Rangatira under Te Tiriti o Waitangi. In particular, Te Rūnanga o Toa Rangatira does not intend to undertake rural activities on the land, as it envisaged commercial or industrial activities as the most viable use, consistent with the intentions of the iwi when it purchased the land under Right of First Refusal.
21. An industrial zone with tailor-made provisions to realise the aspirations of the iwi is an appropriate option and is compatible with the developmental rights guaranteed under Te Tiriti o Waitangi and exercised to safeguard the environment as guided by principles of kaitiakitanga and manaakitanga.
22. Overall, I consider that an industrial zone will better provide for the development aspirations of Ngāti Toa Rangatira and the future development of Te Kārearea.



30 Benmore Crescent, Lower Hutt

Cultural significance

23. The significance of the site at No.30 Benmore Crescent for Ngāti Toa Rangatira is connected to Te Awa Kairangi and the connections of the iwi with the Hutt Valley. The whenua is part of a long and complex story of conquest and settlement of Porirua and Te Whanganui a Tara. Aspects of this story were traversed in the Waitangi Tribunal's Wellington District inquiry during the 1990s and in its 2003 report.[1] While various details of the history are often contested, there is no dispute that Ngāti Toa Rangatira are mana whenua over the Hutt Valley. This responsibility is shared with Taranaki Whānui.

24. The connections between Te Awa Kairangi and Porirua are particularly important for Ngāti Toa Rangatira. Tracks linked Pāuatahanui to the Hutt Valley and served as important pathways for trade and the exercise of customary harvest and mahinga kai. Early settlers used some of these tracks in the 1840s. For example, William Mein-Smith, Surveyor of the New Zealand Company, and others travelled from Wellington in March 1841, guided by Māori, to survey a road. A report of this journey was published in the local newspapers describing the Porirua landscape:[2] Near the top of the Pā Waitanginui Stream (Pāuatahanui), the travellers proceeded along a track amongst tawa and tōtara forest before looking down on Te Awa Kairangi:

> We found a plateau of flat land with fine timber, and very little underwood; shortly afterwards we found ourselves in a grove of

[1] Waitangi Tribunal, *Te Whanganui a Tara me ōna Takiwā: Report on the Wellington District*, 2003
[2] *New Zealand Gazette and Wellington Spectator*, Vol 1, Issue 48, 13 March 1841, p 2.

> black birch, which had a most park like appearance; there were some ferns on the ground but no brushwood whatever. We now passed the ruins of an old pā, when our path began to descend. At a short distance below the pā we were delighted with a beautiful view of the valley of the Hutt and the Tararua.[3]

25. The significance of Te Awa Kairangi is recognised under the Ngāti Toa Rangatira Claims Settlement Act 2014 (the Ngāti Toa Rangatira Treaty settlement) which provides the basis for statutory recognition of the values of Ngāti Toa Rangatira and to enable the reconnection of the iwi with significant sites and ancestral landscape. As discussed in this evidence, the settlement legislation includes several redress mechanisms relevant to the proposed zoning, especially statutory acknowledgements and the Right of First Refusal (RFR).

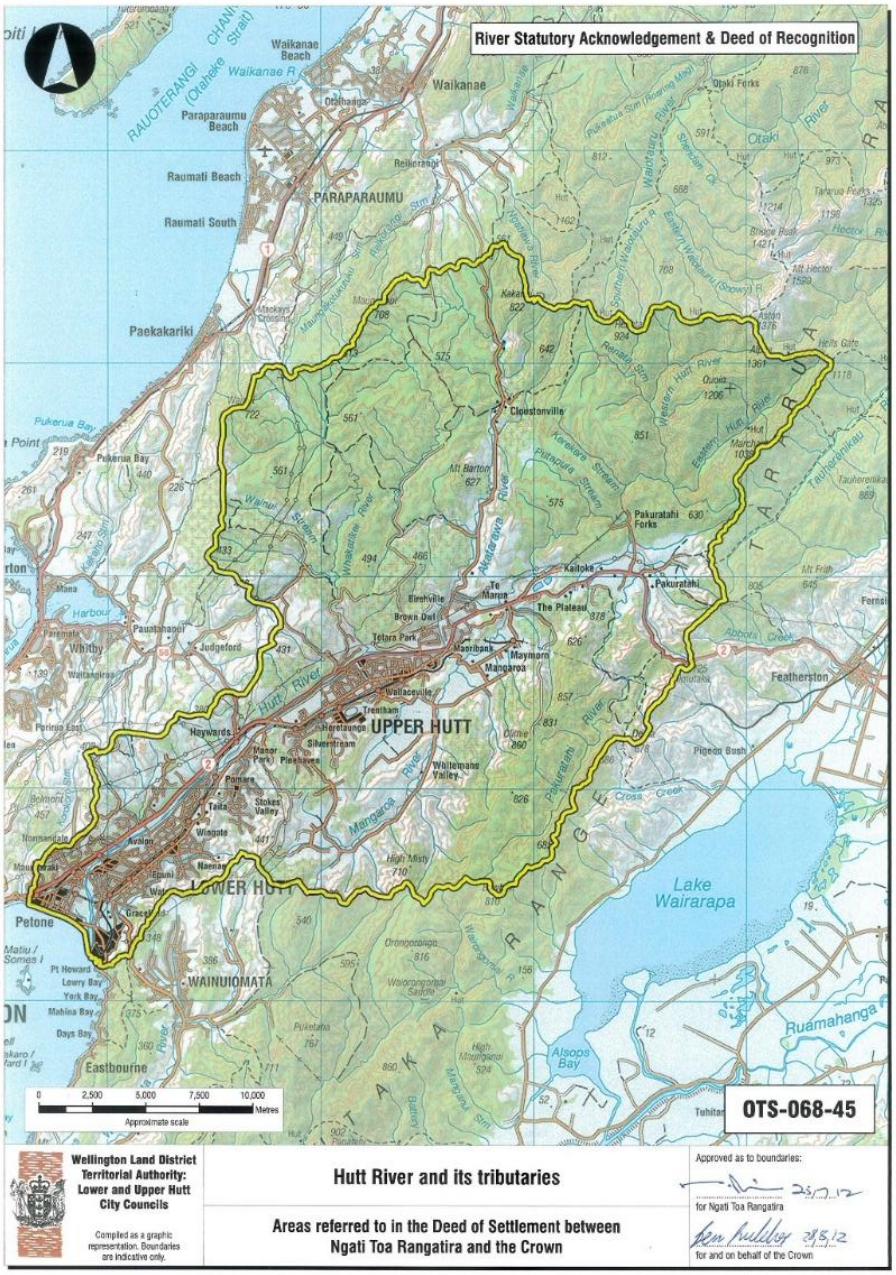
26. Section 26 of the settlement legislation requires relevant RMA consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements. It is noted that the statutory acknowledgements include the 'statutory areas' and the 'statements of association.' The Crown acknowledgement relates to the statements of association in relation to the statutory areas.

27. The Hutt River and its tributaries statutory acknowledgement (see map below) applies to the entire river and catchment. The statement of association states:

> The Hutt River (Te Awa Kairangi) is of historical and cultural importance to Ngāti Toa Rangatira. The iwi claim an association with the Hutt River from the time of their participation in the invasion of the Hutt Valley during 1819 and 1820. During that campaign, the taua marched around the western side of Te Whanganui a Tara, defeating the local iwi as they went. When the war party reached the Hutt River, they constructed rafts which they used to aid them in their invasion of the Hutt Valley. Although Ngāti Toa Rangatira did not remain in the area after this invasion, the Hutt River continued to be important to the iwi following their permanent migration and settlement in the lower North Island in the late 1820s and early 1830s.
>
> The relationship of Ngāti Toa Rangatira to the Hutt Valley and River was not one defined by concentrated settlement and physical presence. Rather, the iwi felt their claim to the land was strong based on the powerful leadership of Te Rauparaha and Te Rangihaeata and the relationship they had with iwi residing in the Hutt Valley who had been placed there by Ngāti Toa in the 1830s. For some years these iwi in the Hutt Valley paid tribute of goods such as canoes, eels and birds to Te Rauparaha and Te Rangihaeata.
>
> Ngāti Toa Rangatira have a strong historical connection with the Hutt River and its tributaries, and the iwi consider that the river is included within their extended rohe and it is an important symbol of their interests in the Harataunga area. Te Awa Kairangi was traditionally an area for gathering piharau, or the freshwater blind eel, as well as tuna (eel) from

[3] ibid

its tributaries. Harataunga also supported flax plantations, which were used by early Māori for trading with settlers. The river was also of great importance as it was the largest source of freshwater in the area. The river was also an important transport route, and small waka were used along the length of Te Awa Kairangi.



Hutt River Statutory Acknowledgement and Deed of Recognition map in the Ngāti Toa Rangatira Treaty settlement.

28. This evidence cites the statutory acknowledgement of Te Awa Kairangi under section 32 of the Ngāti Toa Rangatira Claims Settlement Act 2014. This citation applies to all activities within, adjacent to, or directly related to the river and is evidence of the association of Ngāti Toa Rangatira with the statutory areas in relation to submissions or proceedings before a relevant

consent authority, the Environmental Protection Authority, the Environment Court and Heritage New Zealand Pouhere Taonga.

29. The citing under section 32 means that this evidence or other documents prepared by Te Rūnanga o Toa Rangatira do not need to include extensive historical research in order to justify or uphold the rights and interests of Ngāti Toa Rangatira in relation to the statutory acknowledgements. The Crown recognises these rights and interests, and they are not contested.

30. The statutory area recognised under the Ngāti Toa Rangatira Claims Settlement Act 2014 also involves overlapping interests with Taranaki Whānui under the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009.

Historical overview

Port Nicholson Block

31. The site was included within the Port Nicholson Block, which was alienated from iwi under a complex number of deeds and transactions in the early 1840s. The Port Nicholson Block boundaries were based on a survey by TH Fitzgerald and Samuel Brees completed in October 1844 (see map below). This survey was generally a ‘high-level’ view of potential land to be converted into cadastral property in Wellington and the Hutt Valley. The detailed map outlines the site's location opposite Te Awa Kairanga River at section 65. The map shows a potential future road running up the river from the future Stokes Valley just below the river gorge. To the north of the map is a dotted line boundary which indicates the future extent of the Porirua district established under the 1847 Porirua Deed.



The boundaries of the Port Nicholson purchase. 7 October 1844, R22824216, Archives New Zealand



Detail of The boundaries of the Port Nicholson purchase. 7 October 1844, R22824216, Archives New Zealand

32. The cadastral maps of the 19th Century gave a mistaken view of the land as ‘open for settlement’. In contrast, the reality of land settlement in the upper valley was difficult with Te Awa Kairangi and the associated landscape constraining travel, agricultural land and potential dwelling sites. As shown in John Pearse's painting below, from 1852 or 1853, Te Awa Kairangi just north of the gorge was covered in indigenous forest, with very tenuous road access.

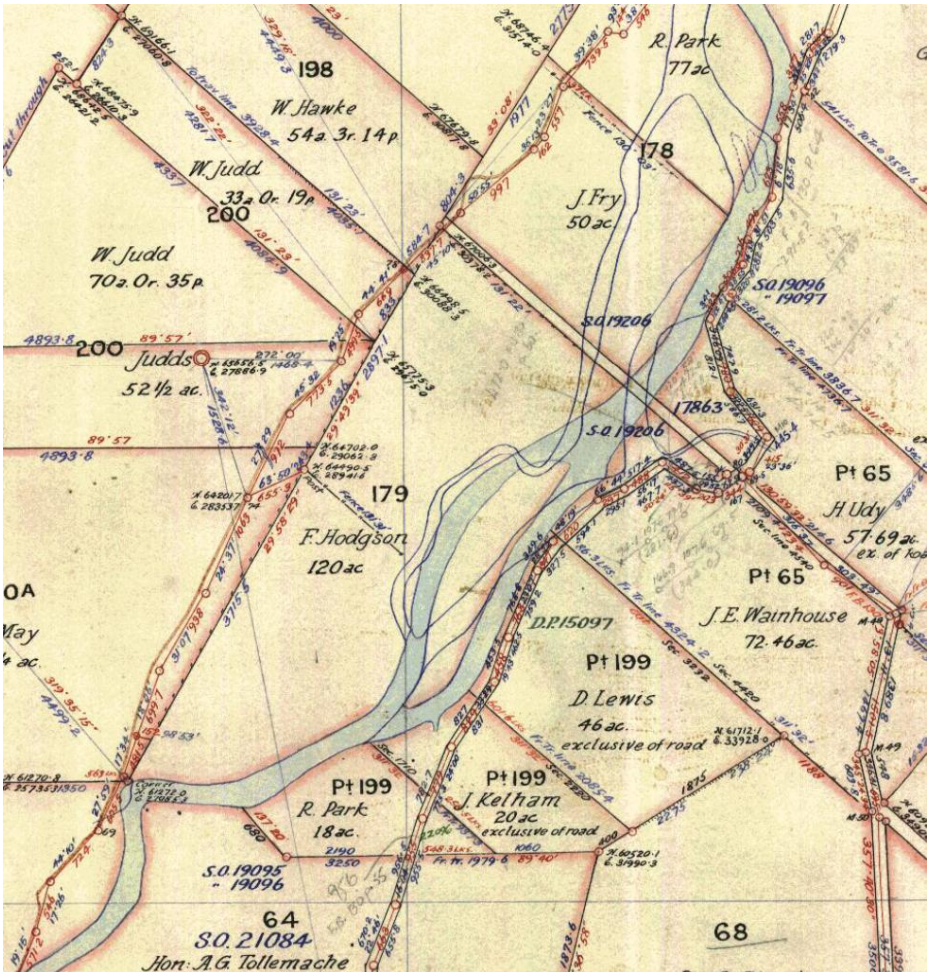


The 'Gorge' road and river between the upper and lower valley of the Hutt, circa 1852-1853.[4]

33. During the 1860s, survey and land allocation progressed in the Hutt Valley. This survey created new properties on the western side of Te Awa Kairangi at what is now known as Haywards. Survey Plan 10984 (see below) shows cadastral boundaries created in the 1870s, with the site at Benmore Crescent being part of Section 179 vested in the name of F. Hodgson. This property is bounded to the north by a road which was a ford across the river, going up to the future Stokes Valley and linking the main valley road to Upper Hutt and Lower Hutt. The map notes the dynamic nature of the riverbed with the outline of a former island within the river at the ford crossing point.

34. F. Hodgson is likely to be associated with the Hodgson family who farmed land at Taita and leased agricultural land opposite the historic Taita Hotel.[5] Also associated with the area is the Judd family who farmed the Haywards hill country and built a large house in 1887. This building was known as the ‘Manor House’ and today’s Manor Park is named after this homestead. Farming expanded in the district after indigenous forest was removed by logging and burning.

[4] Ref, Pearse, John, 1808-1882, E-455-f-067-2, National Library of New Zealand
[5] Christ Church Preservation Society archives, https://christ-church.org.nz/taita-hotel/

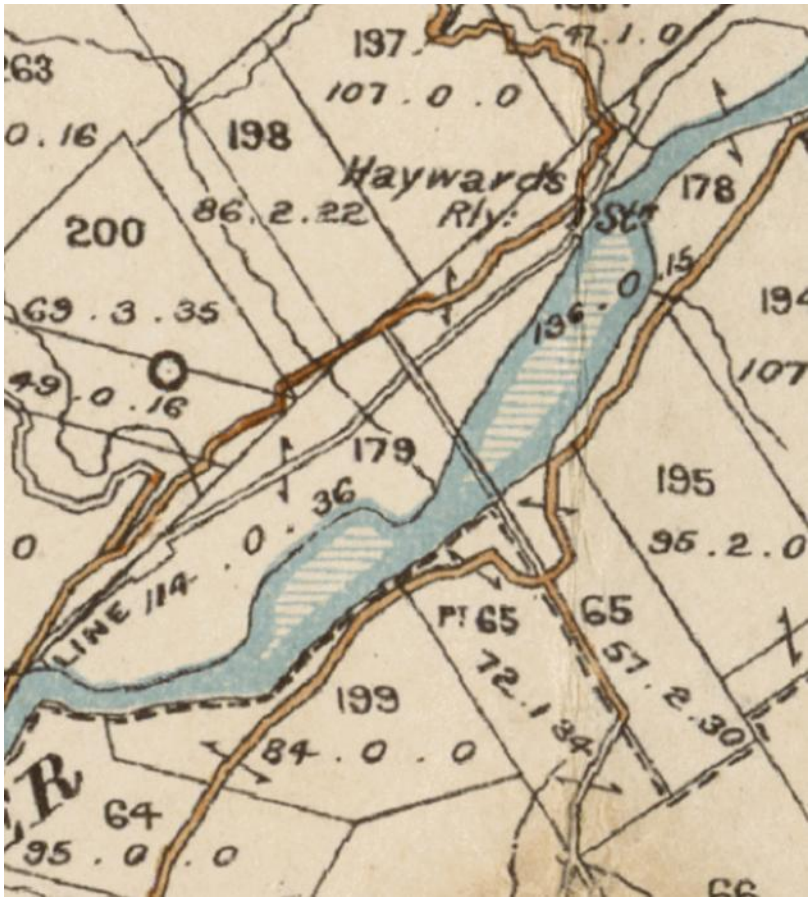


30 Benmore Crescent location, SO 10984 (detail), Landonline

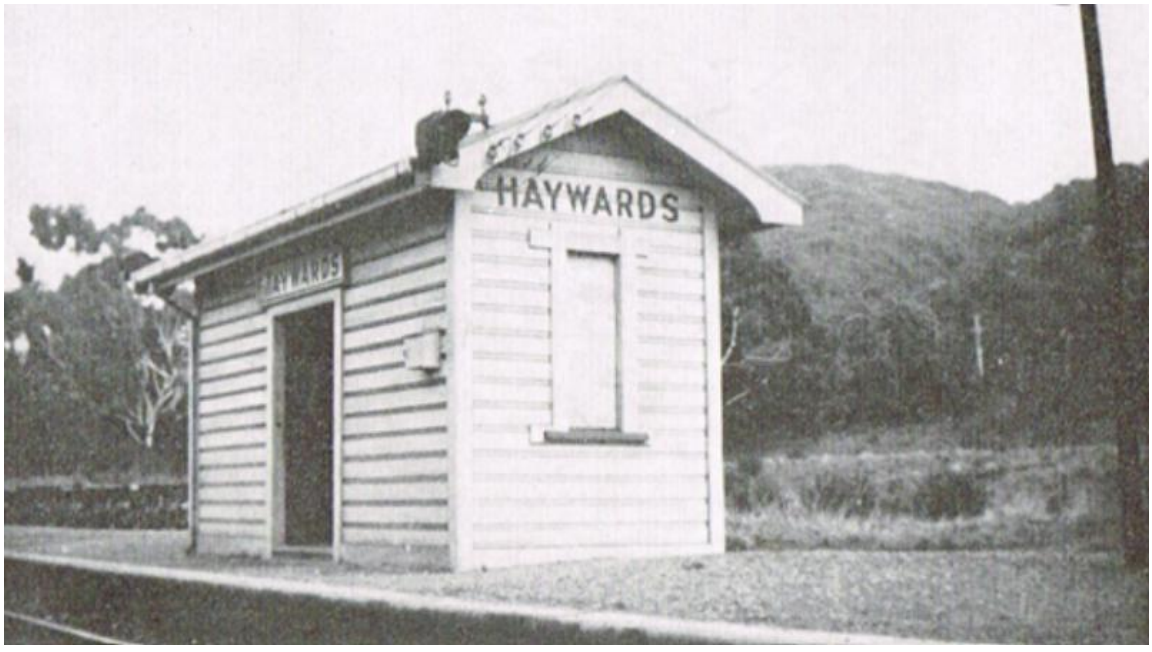
Wellington-Wairarapa Railway 1876

35. The transformation of bush to farmland was accelerated by the construction of the Wellington-Wairarapa railway in the 1870s. The route of the railway in the area was built on the western side of Te Awa Kairangi in 1876 with a railway station built at Haywards.[6] Later, a post office was built at the Haywards Station in 1903. The railway went directly through the site at Section 179 (see NZMS13, 1919, map below). Railway construction involved modifying the area's streams with culverts and channelling. The ford over the river was also upgraded with a wooden suspension bridge in 1927.

[6] David P. Miller, *Once Upon a Village, A history of Lower Hutt, 1819-1965*, New Zealand University Press, 1972



NZMS13, 1919 (Section 179, Block IV, Belmont SD)



Haywards Railway Station, 1953.[7]

[7] A Line of Railway by W. N. Cameron, p 233. Photo by D. K. G. Greenhill.
https://uhconnection.co.nz/general-news

36. Up until the 1950s, the railway and surrounding rural land coexisted at Haywards. An insight into the landscape is the aerial photograph from 1941 (see below). This photo shows the Haywards Hill Road (now State Highway 58) with Western Hutt Road at the base of the hills to the side of the Wellington-Wairarapa railway. The site at Benmore Crescent was largely rural pasture land.



Haywards, Aerial Photograph, 1941.[8]

Manor Park

37. William George proposed an ambitious plan to establish a new town called Manor Park in 1909.[9] The town, however, failed to materialise, and it wasn't until 1925 that the first streets and sections were approved in the area now known as The Square. William George also acquired ownership of the suspension bridge across the river. A flood destroyed this bridge in 1931. Another development at this time was the purchase of the northern area of Manor Park by the Karori Golf Club in 1926 (renamed Manor Park Golf Club).

38. The area south of Manor Park was owned by William Huse. This included parts of Sections 179, 200 and 200A. This land was often referred to as the Huse Block or Huse Farm. Another farm in the area was owned by Ted and

[8] Date Taken 17/02/1941 Survey 163 Photo Number 20 Run 182 Released Filename CROWN_163_182_20 Filename CROWN_137_153, retrolens.co.nz

[9] Manor Park, Town of W. H. George, 1925-1931, R16726953, Archives New Zealand; Townships, Manor Park, R21031305, Archives New Zealand

Hannah Cottle, which was originally part of Huse Dairy Farm. Mary Huse Grove is named after the daughter of Ted and Hannah Cottle.[10]

New Railway and the Haywards Public Works Camp

39. After 1953, the environment of Haywards was transformed with the realignment and electrification of the Hutt Valley railway. The railway shifted to the eastern side of Te Awa Kairangi to serve the growing Hutt Valley suburbs. Just south of Haywards, the railway was redirected by a new bridge across Te Awa Kairangi to pass the gorge north at Upper Hutt. The Haywards Railway Station was shifted south to its current location and renamed 'Manor Park' in February 1955.[11]

40. Haywards became one of the major Ministry of Works and Development (MWD) work camps for the construction of the railway. This camp expanded with the expansion of NZED (New Zealand Electricity Department) Haywards Substation in the mid-1960s.

41. The William Huse Block of 94 hectares was selected as the location for the railway realignment and the work camp. There was also a proposal to build a branch railway from Haywards to Plimmerton. For this purpose, most of the William Huse Block, comprising the original Section 179, was taken in 1950 for better utilisation under the Public Works Act 1928.[12]

42. The site evolved to be known as the Manor Park Crown Development Area.[1314] The area involved works, housing and facilities for NZ Railways, MWD and NZED. In 1983, 60% of all housing stock at Manor Park was government-owned for workers' accommodation.[15]

43. By the late 1970s, there were eight main parts of this area which are listed below:

    A. MWD Land (near the river).

    B. MWD nursery.

    C. NZED Transmission Line Storage.

    D. MWD Depot and married accommodation (part of the land leased to NZ Railways).

    E. MWD & NZED housing at Mary Huse Grove.

    F. Open space (unused).

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[10] Alison Carey, Valleys and Bays, Origins of Street Names in Lower Hutt including Eastbourne, Petone and Wainuiomata, Lower Hutt Historical Society, 2008

[11] Manor Park, leases, NZ Railways, 1910-1978, R23932547, Archives New Zealand

[12] NZ Gazette, 9 February 1950, No.9, p 146

[13] Manor Park Crown Development Area, Ministry of Works and Development, 1971-1984, R18845694, Archives New Zealand

[14] The developmental history of the area is expressed in 'Benmore Crescent', named after the Benmore Hydro Scheme in the South Island: Alison Carey, Valleys and Bays, Origins of Street Names in Lower Hutt including Eastbourne, Petone and Wainuiomata, Lower Hutt Historical Society, 2008

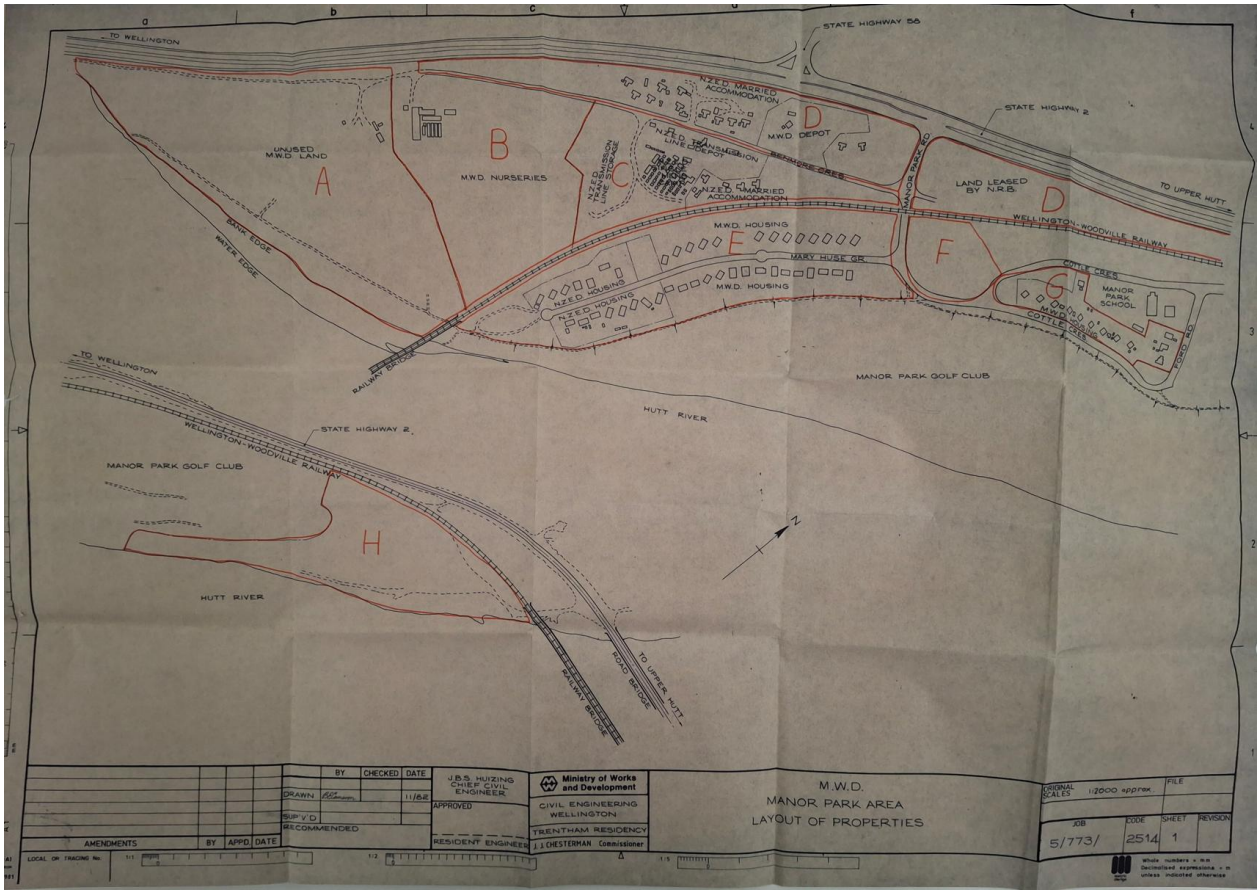
[15] R C Nixon, Planning options for Crown land holdings, Manor Park, 12 April 1983, Manor Park Crown Development Area, Ministry of Works and Development, 1971-1984, R18845694, Archives New Zealand

G. MWD housing, Cottle Crescent.

H. Railway land north of the golf course.

a. The area identified as ‘A’ was the site of the Wellington Concrete Pipe Company concrete manufacturing plant located between the river, State Highway 2 and the MWD nursery.[16] This was one of Manor Park's first non-government industries. The Hutt Valley Drainage Board proposed the building of open sewage storage tanks on site ‘A’ in the early 1980s, but this proposal failed to materialise.

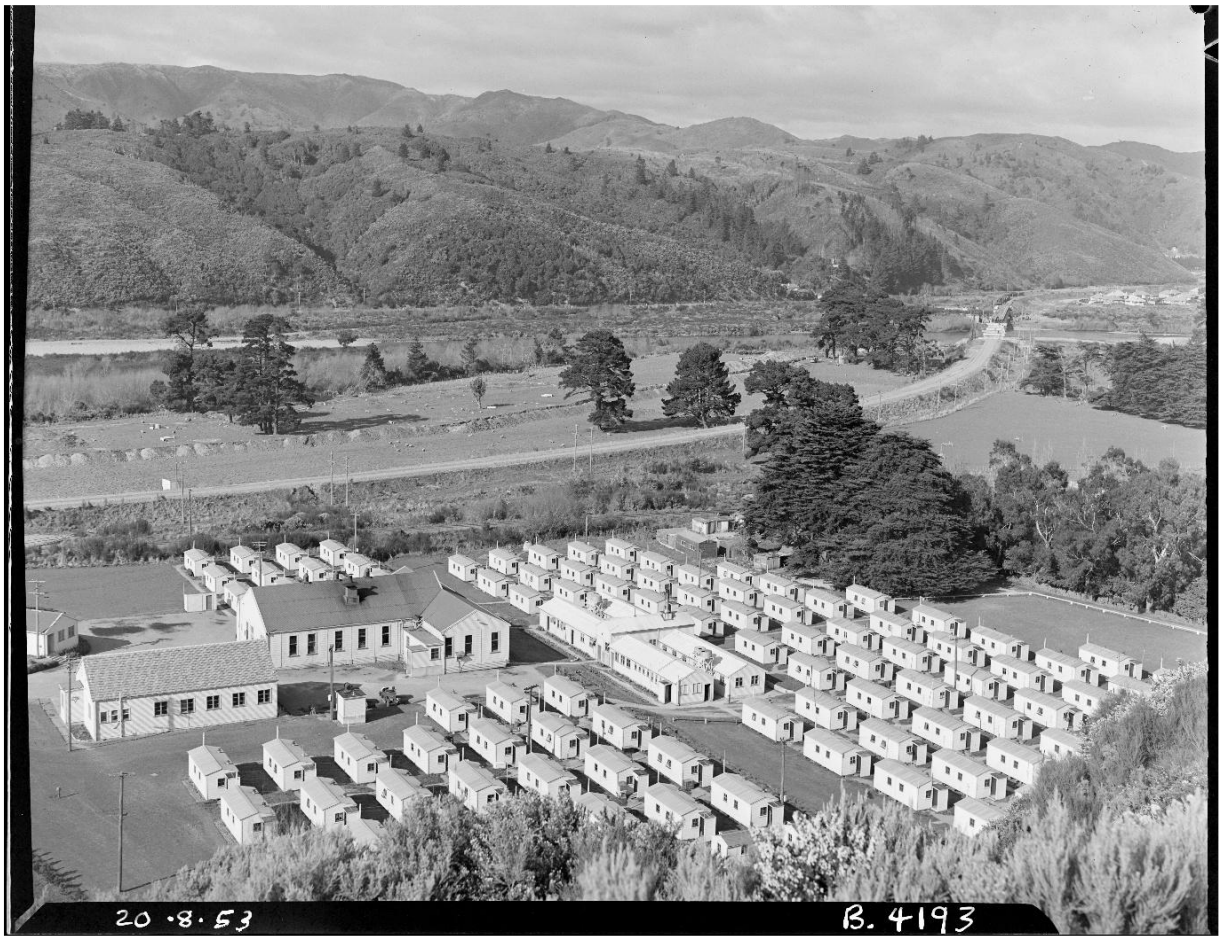
b. Deregulation from the mid-1980s onwards resulted in the closure of the MWD work camp and the sale/disposal of the MWD and NZED housing at Manor Park. The site was abandoned, with some grazing, nursery, and open space.



Manor Park Crown Development Area.[17]

[16] https://hcp.nz/pages/history

[17] Manor Park Crown Development Area, Ministry of Works and Development, 1971-1984, R18845694, Archives New Zealand



Haywards Public Works Department Camp, 20 August 1953.[18]

[18] Ref, R25622196, Archives New Zealand



Manor Park South, Aerial Photograph, 1978[19]

[19] Date Taken 31/03/1978 Survey 5260 Photo Number 5 Run C Released Filename CROWN_5260_C_5 Filename CROWN_2354_039, retrolens.co.nz



Manor Park, 1978.[20]

Ngāti Toa Rangatira Treaty settlement

44. In 2012, Ngāti Toa Rangatira signed a Deed of Settlement with the Crown for the resolution of claims under Te Tiriti o Waitangi. The Deed of Settlement was followed by the Ngāti Toa Rangatira Treaty settlement. The mandated iwi authority (Post Settlement Governance Entity or PSGE) is Te Rūnanga o Toa Rangatira.

45. In relation to Wellington and the Hutt Valley, the Ngāti Toa Rangatira settlement followed the Waitangi Tribunal's Wellington District Inquiry, which began in 1991 and was completed in 1999. The Waitangi Tribunal issued its Wellington District Inquiry report in 2003.[21] The Wellington District Inquiry focused on Crown actions and the New Zealand Company's role in acquiring the Wellington District, including creating and managing the Wellington Tenths Reserves. The Tribunal found in favour of Ngāti Toa Rangatira in relation to actions by the Crown in the acquisition of land during the 1840s.

46. The Ngāti Toa Rangatira Treaty settlement contains a historical account, apology and redress. In the settlement, the "Crown seeks to atone for these wrongs, restore its tarnished honour and begin the process of healing."[22]

> The Crown hopes that this apology and settlement will mark the beginning of a new, positive, and enduring relationship with Ngāti Toa Rangatira founded on mutual trust and co-operation and

[20] https://huttcity.recollect.co.nz/
[21] Waitangi Tribunal, *Te Whanganui a Tara me ōna Takiwā: Report on the Wellington District*, 2003
[22] Section 10(5), Ngāti Toa Rangatira Claims Settlement Act 2014

respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.[23]

47. The settlement is critical to the exercise of Crown agencies and local authorities in fulfilling their obligations under Te Tiriti o Waitangi and its principles.

48. Redress is strongly influenced by Crown policy and the negotiation process. Private land is not available for settlement and this means the location and extent of cultural redress is generally limited to Crown land. Lands owned by local authorities are also generally not available for redress unless agreed upon by the relevant local authority.

49. There are a range of redress mechanisms provided in the Ngāti Toa Rangatira Treaty settlement. Redress is generally categorised into two parts: commercial and non-commercial redress. Non-commercial redress is known as cultural redress. It is noted that there is considerable overlap between both types of redress and land often has multiple values for the iwi, both traditional and contemporary.

50. The primary types of cultural redress in the Ngāti Toa Rangatira Treaty settlement include the Poutiaki Plan for Te Moana o Raukawa (Cook Strait), co-management groups, vested lands, statutory acknowledgements, place name changes, deeds of recognition, overlay classifications and letters of introduction. The Hutt River Statutory Acknowledgement outlined above is an example of cultural redress.

51. Commercial redress includes a cash payment, plantation forests, opportunities to purchase property and return of land. In the Ngāti Toa Rangatira settlement, the primary form of commercial property return is in the form of a Right of First Refusal (RFR).

52. While cultural redress property is often constrained by reserve classifications or covenant restrictions, commercial redress property is often former general Crown land with opportunities for development.

53. RFR gives Te Rūnanga o Toa Rangatira the first opportunity to purchase or lease certain Crown-owned properties when the Crown decides to dispose of them. An RFR does not transfer ownership automatically; rather, it creates a preferential right for a defined period.

54. Before selling eligible land on the open market, the Crown must first offer the property to Te Rūnanga o Toa Rangatira on specified terms. If the iwi accepts the offer, a contract is formed and the property is transferred. If the offer is declined, expires, or does not result in a sale, the Crown may sell the property to another party, usually on terms no more favourable than those offered to the iwi.

Settlement aspirations and Benmore Crescent Right of First Refusal

55. Te Rūnanga o Toa Rangatira obtained a mandate to negotiate with the Crown following a series of hui and engagement with Ngāti Toa Rangatira in 2005. The Crown signed Terms of Negotiation with Ngāti Toa Rangatira on 24

[23] ibid

September 2007. Following the mandate, redress research was undertaken, and discussions started with the Crown with a series of iwi hui.

56. A key settlement expectation of Ngāti Toa Rangatira was the return of land which would achieve recognition of manawhenua and rohe and, in terms of commercial redress, give "the opportunity to obtain commercial value where possible."[24] The iwi identified the return of land within the Port Nicholson Block (including the Hutt Valley) as a particular priority.

57. The Crown made a formal offer to Ngāti Toa Rangatira on 11 February 2009.[25] The formal offer included schedules of Crown land that would be available for commercial property purchase and leaseback. The schedules include 69 Transit New Zealand properties in the North Island.

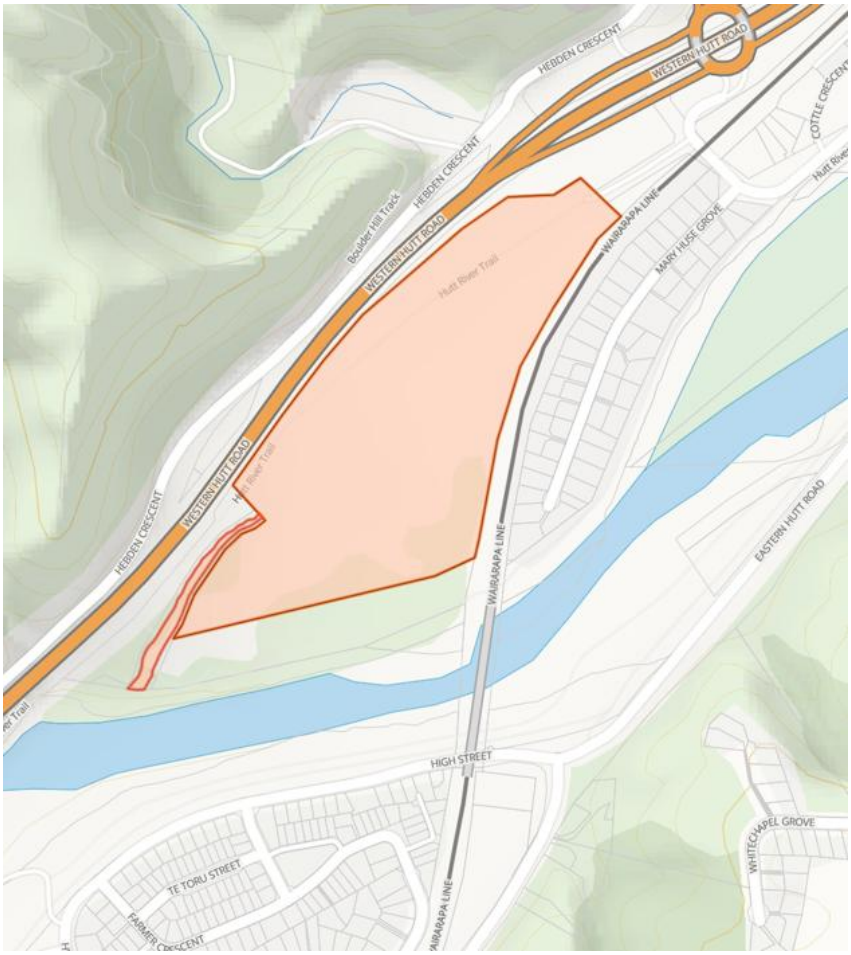
58. In the final Ngāti Toa Rangatira Deed of Settlement 2012, the site at Benmore Crescent was listed as General RFR land and early RFR land under the New Zealand Transport Agency (NZTA). The two relevant RFR listings are:

> 260051. Between Benmore Crescent and SH2 Lower Hutt, 1.4160 hectares, approximately, being Part Lots 2, and 3 DP 5783 and Part Section 179 Hutt District. Part Gazette Notice B 130217.1. Subject to survey.
>
> 260052. East of Benmore Crescent, Lower Hutt, 17.1100 hectares, more or less, being Section 1, SO 36533. All Computer Freehold Register, WN41 D/467.

59. Some of this land was retained by NZTA and incorporated into the new State Highway Two, Haywards Interchange, which completed construction in 2017.

60. After the Haywards Interchange project, NZTA triggered the RFR process for the surplus remaining Crown land at Benmore Crescent. Te Rūnanga o Toa Rangatira purchased this land in 2020. The land involves 13.51 hectares (Section 1, 6 Survey Office Plan 493901), see map below.

[24] Ngāti Toa Rangatira Settlement Expectations, Te Rūnanga o Toa Rangatira, 6 March 2008, p 9
[25] *Hon Christopher Finlayson to Matiu Rei, Te Kaha, Ngāti Toa Rangatira Negotiating Team*, 11 February 2009, Te Rūnanga o Toa Rangatira



30 Benmore Crescent, Te Rūnanga o Toa Rangatira, 13.21 hectares (Section 1, 6 SO 493901)

61. Following acquisition, Te Rūnanga o Toa Rangatira decided that the land would be suitable for commercial or industrial development in line with the aspirations of the iwi to enhance opportunities to obtain commercial value and secure land within the Port Nicholson Block district. Key factors included the site's strategic location near the Haywards interchange, transport corridors, and its central position in the Hutt Valley. Further, substantial historical works had been undertaken on the site, resulting in limited ecological or historic values (excluding Te Awa Kairangi). Housing was not considered suitable given its location adjacent to State Highway Two and the railway, and the limited infrastructure and services available for future residents.

62. For this purpose, the Rūnanga leased the site to Rosco Ice Cream Ltd (Rosco) to facilitate the development of the site. It will help provide an economic base for Ngāti Toa Rangatira and retained for current and future generations. Waste Management NZ Ltd has an agreement with Rosco for future activity/occupational use. Rosco has applied for a range of resource consents relating to the site's development, with support from Te Rūnanga o Toa Rangatira.

He Kainga Ururua Economic Development and Investment Strategy

63. The future use of the site is critical to the developmental rights (mana motuhake) of Ngāti Toa Rangatira. Development rights have been articulated

by the Waitangi Tribunal and the Courts as a "continuing duty to ensure that Māori hapū retain a sufficient economic base for their wellbeing and development."[26] As articulated by the Waitangi Tribunal in 1988:

> Māori tradition does not prevent Māori from developing their personal potential, or resources, for traditionally Māori were developers.[27]

64. The mana motuhake of Ngāti Toa Rangatira have been articulated in our *He Kainga Ururua, Economic Development & Investment Strategy*.[28] Central to this strategy is the principle of Ohanga which involves the growing of a sustainable base. As outlined below, this requires building a culture of self-determination, resilience and growth, ethical investments, collaboration and growing our economic base to provide opportunities for our people.



Extract from He Kainga Ururua

[26] Renwick, W. L., *The Treaty now*, GP Books, Wellington NZ, , pp 42-43
[27] Waitangi Tribunal, *Muriwhenua Fishing Report*, Government Print, 1988, p 238
[28] Te Rūnanga o Toa Rangatira, *He Kainga Ururua, Economic Development & Investment Strategy*, 2025 (see, https://www.ngatitoa.iwi.nz/strategic-documents)

65. At a high level, *He Kainga Ururua* sets the goal of a shift from “settlement recipients to generational wealth creators.” This will involve a “diversified economic portfolio generating significant perpetual revenue streams.” By 2040:

> This financial mana motuhake provides the foundation for true self-determination, enabling us to make decisions guided by our tikanga rather than external dependencies.[29]

66. For Ngāti Toa Rangatira, the strategic reacquisition of 75+ schools and former Crown properties is more than commercial success:

> It embodies the restoration of our relationship with our whenua and our role as tangata whenua. These assets, secured through the foresight of our rangatira in Te Tiriti negotiations, now serve as an economic backbone supporting and spring-boarding.[30]

67. Restoration of the relationship with the whenua is also grounded in principles of kaitiakitanga and manaakitanga. This form of development is founded on building sustainable and thriving communities underpinned by our tikanga.

68. There are many and diverse expressions of our *He Kainga Ururua* strategy within the rohe of Ngāti Toa Rangatira. A few examples include:

    a. **Kenepuru Landings** – Major iwi and community housing development at Porirua situated on former Porirua Hospital land purchased under RFR.

    b. **Te Āhuru Mōwai:** In partnership with Kāinga Ora, our iwi community housing provider manages the tenancy, maintenance, and comprehensive upgrade of more than 900 state homes across western Porirua (including Titahi Bay, Mana, Tawa, Takapūwāhia, and Elsdon).

    c. **Our Whare Our Fale:** an award-winning, community-led Pacific housing initiative in Eastern Porirua. It is New Zealand's first community-driven, Pasifika-led housing development on Ngāti Toa Rangatira land.

    d. **Kenepuru Bus Hub**: Currently under construction in partnership with Greater Wellington Regional Council to provide future expansion and resilience of the regional public transport system.

69. In the Hutt Valley, the Rūnanga is actively engaged in housing for whānau following the acquisition of former Kāinga Ora properties under RFR. An example is six new units built by Switched On Building Solutions in Oxford Terrace.

70. The name Te Kārearea was gifted by Ngāti Toa Rangatira for the Benmore Crescent development. The kārearea (NZ falcon) is a taonga of the iwi and is particularly associated with the wide open grasslands adjoining Te Awa

[29] ibid, p 34
[30] ibid

Kairangi. The bird is a tohu (indicator) of environmental protection, reconnection and the changing climate.

71. The development of Te Kārearea is a fundamental aspect of the developmental rights under Te Tiriti o Waitangi. It is an expression of mana motuhake.

72. The proposed resource recovery park aligns strongly with the principles of Te Ao Tūroa. Providing a site for recycling and waste reuse will enhance environmental sustainability in the Wellington region. It also implements key actions and initiatives under the Wellington Region Waste Management & Minimisation Plan 2023-2029. These matters will be addressed through the separate resource consent process, for which direct referral to the Environment Court has been sought.