

9 October 2020

New Plymouth District Council
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Attention: Rowan Williams, Luke Balchin

Tēnā kōrua

SUBMISSION BY NGĀTI TE WHITI HAPŪ AND TE KOTAHITANGA O TE ATIAWA TRUST TO APPLICATION LUC20/47704 – TO ESTABLISH A SIX LEVEL MULTI-STOREY, MIXED USE BUILDING AND REMOVAL OF A NOTABLE TREE BY K.D.HOLDINGS LTD – AT 45, 49 AND 51 BROUGHAM STREET AND 33 DEVON STREET WEST, NEW PLYMOUTH

1. Ngāti Te Whiti Hapū (Ngāti Te Whiti or the hapū) and Te Kotahitanga o Te Atiawa Trust (Te Kotahitanga) appreciate the opportunity to provide a submission to the abovementioned application.

TE ATI AWA IWI

2. Te Ati Awa Iwi are tangata whenua in the area of the application site where the development is proposed. The Te Ati Awa rohe extends from Te Rau o Te Huia along the coast to the Herekawe Stream, inland to Tahuna-a-Tūtawa, east to Whakangerengere, northeast to Taramoukou, north back to Te Rau o Te Huia and offshore out to 200 nautical miles. Te Ati Awa Iwi rohe encompasses much of the New Plymouth district.
3. Te Ati Awa has strong historical, cultural and spiritual connections within this rohe, our environment is a part of who we are. In return, we as kaitiaki, have the responsibility of ensuring the mauri of these environmental and cultural resources is protected and enhanced for future generations.

NGĀTI TE WHITI HAPŪ

4. Ngāti Te Whiti Hapū is the Te Ati Awa hapū who are mana whenua over the area of the proposed development. The Ngāti Te Whiti rohe extends from the Herekawe to the Waiwhakaiho River, inland to its headwaters on Taranaki Maunga and back to the Herekawe. Ngāti Te Whiti traces descent from our eponymous ancestor – Te Whiti o Rongomai – who lives in the late 1700s.

Ko Taranaki te maunga

Ko Te Herekawe me Te Waiwhakaiho ngā awa

Ko Tokomaru te waka

Ko Te Atiawa te iwi

Ko Ngāti Te Whiti te hapū.

5. The right of occupation of Ngāti Te Whiti is based on continuous occupation by generations of connected ancestors from the earliest kinship groups such as Moturoa, Ngāmotu, Ngāti Tuparikino, and Ngāti Tawhirikura.

6. The hapū coastal boundary includes many former pā and wāhi tapu such as Waiwhakaiho, Purukau, Autere, Kerau, Waimanu, Te Kawau, Puke Ariki, Pukerangi, Otaka, Moturoa, Paritutu, Onuku Taipari, Te Mahoe, Pūkākā, Mawhera, many urupā and other sites and areas of significance. One of the important coastal areas to Ngāti Te Whiti is Ngā Motu [the islands] and the surrounding waters. Ngā Motu was one of the first inhabited areas, and the islands and reefs were all named by Ngāti Te Whiti.

TE KOTAHITANGA O TE ATIWA TRUST

7. Te Kotahitanga is the mandated voice and representative entity for the collective interests of Te Ati Awa Iwi. Te Kotahitanga was established on 31 March 2014 as the post-settlement governance entity by a Deed of Trust. Following this the Te Atiawa Deed of Settlement was signed on 9 August 2014 and the Te Atiawa Claims Settlement Act (2016) enacted on 5 December 2016. Te Kotahitanga has a responsibility to ensure that the interests of Te Ati Awa are safeguarded. This includes considering the extent to which proposed developments and uses may impact on the historical, cultural and spiritual interests of Te Ati Awa within its rohe and those areas under statutory acknowledgement and/ or Te Atiawa Iwi Claims Settlement Act 2016.
8. Te Ati Awa has rights and interests including, but not limited to:
 - Rights and interests pursuant to the Resource Management Act (1991);
 - Rights and interests arising under the Te Atiawa Iwi Claims Settlement Act (2016);
 - Rights and interests arising under the Te Atiawa Iwi Environmental Management Plan (EMP) – *Tai Whenua, Tai Tangata, Tai Ao; and*
 - Rights and interests
 - according to tikanga and customary law;
 - arising from the common law (including the common law relating to aboriginal title and customary law); and
 - under Te Tiriti o Waitangi and its principles.
6. Te Ati Awa seek to ensure that these rights and interests are provided for and recognised in proposed developments and uses and there is alignment with the outcomes of key Te Ati Awa iwi documents:
 - a. Te Atiawa Iwi Claims Settlement Act 2016;
 - b. Te Atiawa Deed of Settlement; and
 - c. *Tai Whenua, Tai Tangata, Tai Ao.*
7. The application site is located within an area of cultural significance to Te Ati Awa and Ngāti Te Whiti Hapū, being located on Mawhera Pā and adjacent to the Huatoki River as detailed in the Cultural Impact Assessment (CIA) which accompanies the application. The Huatoki River is identified as a Statutory Acknowledgement Area to Te Ati Awa recognised in the Te Atiawa Claims Settlement Act (2016) and referred to in the Resource Management Act (1991).

NGĀTI TE WHITI AND TE KOTAHITANGA SUBMISSION TO APPLICATION LUC20/47704

8. Ngāti Te Whiti and Te Kotahitanga have read the full resource consent application, including the assessment of environmental effects (AEE) and all plans. Ngāti Te Whiti and Te Kotahitanga supports in part the application and seek that the New Plymouth District Council grant the resource consent application subject to conditions. The matters within the application which we support in part and the reasons for making this submission are detailed below:

A. Engagement process

9. Ngāti Te Whiti and Te Kotahitanga acknowledge the engagement work undertaken to date by the applicant with Ngāti Te Whiti and Te Kotahitanga, including the preparation of the Cultural Impact Assessment (CIA) by Ngāti Te Whiti Hapū which accompanies the application. The preparation of the CIA provides a mechanism for on-going engagement between the applicant and the hapū and Te Kotahitanga throughout the resource consent process.

B. Assessment of Environmental Effects (AEE) undertaken

10. The resource consent application, in accordance with the bundling principle, will have an overall activity status of non-complying.
11. The CIA has been utilised to inform the assessment of environmental effects. The CIA recommended conditions of consent to avoid, remedy, mitigate or offset the actual and potential adverse effects resulting from the proposal. On page 45 of the application it is noted that the applicant has agreed to those conditions recommended in the CIA among others related to earthworks, notable tree and building exterior.

SUMMARY

12. Ngāti Te Whiti Hapū and Te Kotahitanga o Te Atiawa Trust advise that the application in its current form has the potential to result in positive effects on the relationship that Ngāti Te Whiti and Te Ati Awa has with this site including our culture and traditions with our ancestral lands, water, sites, waahi tapu and other taonga.
13. In its current form, Ngāti Te Whiti and Te Kotahitanga supports the application in part subject to the provision of those conditions recommended in the CIA and agreed by the applicant, being secured in the event New Plymouth District Council recommends to grant the resource consent.
14. Ngāti Te Whiti and Te Kotahitanga are not trade competitors for the purposes of section 308B of the RMA.
15. Ngāti Te Whiti and Te Kotahitanga wish to be heard in relation to this submission. If other related entities make a similar submission, Ngāti Te Whiti and Te Kotahitanga will consider presenting a joint case with them at a hearing.
16. If you have any questions, please contact the undersigned at the following:

Ngāti Te Whiti Hapū

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Te Kotahitanga o Te Atiawa Trust

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Nāku me ngā mihi,



Julie Healey
Deputy Chair
Ngāti Te Whiti Hapū



Liana Poutu
Pou Whakarae/ Chairperson
Te Kotahitanga o Te Atiawa Trust