

**BEFORE INDEPENDENT HEARING COMMISSIONER DAYSH APPOINTED BY THE NEW
PLYMOUTH DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER OF An application under section 88 of the Resource Management Act 1991 by K.D. HOLDINGS LIMITED to the NEW PLYMOUTH DISTRICT COUNCIL for land use consent to construct a six-storey mixed use building and remove a notable tree at 45, 49 and 51 Brougham Street, 33 Devon Street West, and 24 Powderham Street, New Plymouth

**STATEMENT OF EVIDENCE OF SARAH KATARINA MAKO
ON BEHALF OF TE KOTAHITANGA O TE ATIWA TRUST**

PLANNING

Dated the 17th day of February 2021

INTRODUCTION

1. My name is Sarah Katarina Mako.
2. I am of Ngāruahinerangi, Ngāti Rangitahi, Te Arawa and Ngāti Whitikaupeka descent.
3. I am Pou Taiao/ Environmental Policy Advisor for Te Kotahitanga o Te Atiawa Trust ('**Te Kotahitanga**') and I have been for 19 months.
4. I hold the qualifications of a Bachelor of Resource and Environmental Planning (Hons.) from Massey University, Palmerston North.
5. I have over nine years experience as a planner working in local authorities within New Zealand and the United Kingdom. Over this time, I have processed a variety of resource consent and planning applications, monitored resource consent conditions for compliance and taken enforcement action where necessary. At Te Kotahitanga I prepare submissions to resource management and other legislative processes at national, regional and territorial level, as well as engage with local authorities and applicants on resource consent pre-applications and applications.
6. My specific experience with this application includes a site visit to the application site and along the Huatoki with New Plymouth District Council ('**NPDC**' or '**Council**') officers on 17 July 2020; a review of the application; supported Ngāti Te Whiti hapū in the preparation and finalisation of the Cultural Impact Assessment ('**CIA**'); a hīkoi and workshop with representatives from Ngāti Te Whiti hapū, Te Kotahitanga, the applicant and the applicant's development team and Council officers on 7 August 2020; and a follow up hui with those attendees on 20 August 2020. I have a good understanding of the application site and the proposal.
7. I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Independent Hearing Commissioner. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

TE KOTAHITANGA O TE ATIWA TRUST

8. Te Ati Awa Iwi are tangata whenua in the area of the application sites where the development and uses are proposed. Ngāti Te Whiti is the Te Ati Awa hapū who are mana whenua over the area of the proposed development and use. 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.
9. 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.
10. Te Kotahitanga is the mandated voice and representative entity for the collective interests of Te Ati Awa Iwi; established on 31 March 2014 as the post-settlement governance entity by a Deed of Trust. Following this the Te Ati Awa Deed of Settlement was signed on 9 August 2014 and the Te Ati Awa Claims Settlement Act (2016) enacted on 5 December 2016. Te Kotahitanga has a responsibility to ensure that the interests of Te Ati Awa are safe-guarded. 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.

APPLICATION SITE AND PROPOSAL

11. The application site is located within an area of cultural significance to Ngāti Te Whiti Hapū and Te Ati Awa, being located on Mawhera Pā and adjacent to the Huatoki; however, within a broader cultural landscape of scheduled and unscheduled sites of significance to Māori including Puke Ariki, Te Kawau, Pūkākā, Mataipu and Okoare and the Mangaotuku Stream. The cultural significance and history of the area to Ngāti Te Whiti and Te Ati Awa is described in the Cultural Impact Assessment, Brougham St/ Huatoki proposals, prepared by Ngāti Te Whiti, dated 2 September 2020.
12. The applicant seeks land use consent (ref. LUC20/47704) to construct a six-storey mixed use building and remove a notable tree at 45, 49 and 51 Brougham Street, 33 Devon Street West and 24 Powderham Street, New Plymouth.

SUBMISSION TO APPLICATION

13. Te Kotahitanga's submission to the application (a joint submission with Ngāti Te Whiti hapū) acknowledged the engagement the applicant had undertaken with Ngāti Te Whiti and Te Kotahitanga, including the preparation of the CIA. We commend the applicant on their engagement and their commitment to the on-going engagement through the CIA process.

ACTUAL AND POTENTIAL CULTURAL EFFECTS

14. The CIA detailed the actual and potential cultural effects from the proposed development. The CIA recommended conditions of consent to avoid, remedy, mitigate or offset the actual and potential adverse effects resulting from the proposal. It is noted that the applicant is supportive and has agreed to these conditions. I conclude that the adverse cultural effects would be no more than minor, subject to those conditions being secured in the event Independent Hearings Commissioner Daysh recommends grant of resource consent. The proposal is consistent with the objectives and policies within the Te Atiawa iwi environmental management plan *Tai Whenua, Tai Tangata, Tai Ao*.

RECOMMENDED CONDITIONS

15. The recommended conditions are included in the section 42a report (dated 2 February 2021), the addendum in the Commissioner's Direction 1 dated 5 February 2021 and Mr Cameron Twigley's evidence dated 10 February 2021. For completeness, these conditions are:

1. The consent holder shall engage Ngāti Te Whiti to provide and certify a cultural narrative for the development. Any cultural narrative shall be demonstrated in:
 - a. the exterior of the building (façade and external staircase);
 - b. the foyer and entrance on the ground floor;
 - c. the landscaping and entrance to the building adjoining the Huatoki; and
 - d. any other location agreed between the consent holder and Ngāti Te Whiti.
2. The consent holder shall engage Ngāti Te Whiti to provide a mauri stone for the water feature to be located in a position to be agreed between the consent holder and Ngāti Te Whiti.

3. At all times during the exercise of resource consent LUC20/47704, Ngāti Te Whiti Hapū shall be provided the opportunity to and be resourced to monitor all earthworks associated with the development.
4. The consent holder shall convene and resource a Kaitiaki Forum. This Forum shall be established and commence immediately following granting of consent, prior to the preparation of any plans and any works commencing on site.
5. The function and purpose of the Kaitiaki Forum shall be formally agreed by the Consent Holder, Ngāti Te Whiti Hapū and Te Kotahitanga o Te Atiawa Trust and formally documented in a Forum Collaboration Agreement. This Agreement shall include, but not be limited to;
 - a. The matters the Forum shall consider including but not limited to cultural narrative, changes through the detailed design phase, hard and soft landscaping, mauri stone and associated infrastructure, subsequent developments of the Metro Plaza, cultural monitoring
 - b. The entities to be represented on the Forum
 - c. The number of representatives from the entities on the Forum
 - d. The frequency at which the Forum shall meet
 - e. The certification process that shall be utilised in the Forum
 - f. The duration of the Forum
 - g. A dispute resolution clause.
6. A copy of the Forum Collaboration Agreement shall be provided to the New Plymouth District Council Planning Lead or nominee.

CONCLUSION

7. In conclusion, Te Kotahitanga o Te Atiawa Trust maintains support in part subject to conditions being secured in the event the Independent Hearings Commissioner is minded to grant resource consent LUC20/47704.

Sarah Mako

17th day of February 2021