

Before a Board of Inquiry
Transmission Gully
Notices of Requirement and Consents

under: the Resource Management Act 1991

in the matter of: Notices of requirement for designations and resource consent applications by the NZ Transport Agency, Porirua City Council and Transpower New Zealand Limited for the Transmission Gully Proposal

between: **NZ Transport Agency**
Requiring Authority and Applicant

and: **Porirua City Council**
Local Authority and Applicant

and: **Transpower New Zealand Limited**
Applicant

Statement of rebuttal evidence of Ian Alexander Bowman (Built heritage)
for the NZ Transport Agency, Porirua City Council and Transpower New Zealand Limited

Dated: 18 January 2012

REFERENCE: John Hassan (john.hassan@chapmantripp.com)
Nicky McIndoe (nicky.mcindoe@chapmantripp.com)

STATEMENT OF REBUTTAL EVIDENCE OF IAN ALEXANDER BOWMAN FOR THE NZ TRANSPORT AGENCY, PORIRUA CITY COUNCIL AND TRANSPower NEW ZEALAND LIMITED

INTRODUCTION

- 1 My full name is Ian Alexander Bowman.
- 2 I have the qualifications and experience set out at paragraphs 2-7 of my statement of evidence in chief, dated 12 November 2011 (*EIC*).
- 3 I repeat the confirmation given in my EIC that I have read, and agree to comply with, the Code of Conduct for Expert Witnesses (Consolidated Practice Note 2011).
- 4 In this statement of rebuttal evidence, I respond to the:
 - 4.1 Joint statement of evidence of Alison Dangerfield and Sacha Walters, on behalf of the New Zealand Historic Places Trust (*the NZHPT evidence*); and
 - 4.2 Section 42A report – Part 1, provided by Mr John Kyle (*the section 42A report*).
- 5 For the purposes of this evidence, I will refer to the construction, operation and maintenance of the Main Alignment and the Kenepuru Link Road by the NZ Transport Agency (*the NZTA*) as the “NZTA Project.”

SUMMARY OF EVIDENCE

- 6 Since the preparation of my EIC, further designation conditions have been developed relating to the management of effects on the two built heritage features affected by the NZTA Project; these being St Joseph’s Church and the World War II Petrol Storage Tank.
- 7 I am comfortable with the proposed conditions and consider they provide appropriate protection to the two built heritage features of interest. I consider that the conditions, as now proposed, also adequately respond to the issues raised in the section 42A report.

NZHPT EVIDENCE

- 8 As explained in the NZHPT evidence, since the preparation of my EIC, NZTA and NZHPT staff have met to discuss the NZHPT’s concerns with aspects of the NZTA Project (paragraph 12). The NZHPT were concerned that the proposed Archaeological Management Plan (now to be termed the Heritage Management Plan (*HMP*)) would not adequately address the effects of the NZTA

Project on the built heritage sites of interest, these being St Joseph's Church and the Petrol Storage Tank (paragraph 17).

- 9 As a result of those discussions, amended conditions have been developed¹, which I understand now address the NZHPT's concerns. Proposed designation condition NZTA.9 now provides further detail as to the contents of the proposed HMP.
- 10 I am comfortable with the proposed condition as it provides greater certainty and sufficient detail as to the contents of the HMP. I consider that the HMP tool will ensure that the effects on the two built heritage features are appropriately managed.
- 11 New proposed designation condition NZTA.9.A states that the existing Conservation Plan for St Joseph's Church shall be updated at least one month prior to construction. I consider this to be an appropriate measure.
- 12 New proposed designation condition NZTA.9.B relates to the preparation of a Conservation Plan for the Petrol Storage Tank. At paragraph 45.3 of my EIC, I explained why I consider that a Conservation Plan for this structure should be prepared.

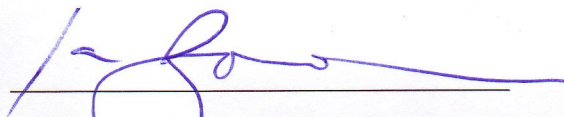
SECTION 42A REPORT

- 13 The section 42A report suggests that the protection of heritage and archaeological features should be the subject of targeted conditions, rather than being left for subsequent inclusion in a management plan (pages 78-79). In particular, the section 42A report suggests that the specific mitigation measures proposed for the built heritage features, such as, for example, forming public access to the Petrol Storage Tank, would be better placed as conditions attached to the designation.
- 14 **Ms Rickard's** evidence discusses the rationale for the management plan approach. I consider that the conditions now proposed (and in particular, proposed designation condition NZTA.9, which details the contents of the HMP) are of sufficient specificity so as to ensure that the potential effects on the built heritage features of interest will be appropriately managed. I note that some of the mitigation measures which were of concern to the section 42A report author are now specifically referenced in the conditions proposed (such as the need to undertake a condition survey of St Joseph's Church prior to and following construction and the need for the Conservation Plan

¹ I understand that Ms Rickard has proposed a number of minor wording amendments to the conditions agreed with NZHPT (and recorded in their evidence) and that an updated version of the conditions is attached to Ms Rickard's rebuttal evidence. I refer to that updated version of the conditions in my evidence.

for the Petrol Storage Tank to consider the provision of public access).

- 15 For completeness, I note that the section 42A report also records that Technical Report 20 recommends that an archaeological management plan should be written to detail process and contacts, in the event of the discovery of archaeological material. NZTA condition 10 and PCC condition 9 require that an accidental discovery protocol is to be prepared which will, amongst other things, include procedures to be undertaken and persons to be contacted in the event of accidental discovery of archaeological material. I consider these conditions adequately address the issues raised in Technical Report 20.
- 16 Similarly, the section 42A report records that Technical Report 19 recommends that a Conservation Plan be prepared to guide conservation and to recommend maintenance and repairs for the Petrol Storage Tank. As explained above, the preparation of a Conservation Plan is now proposed as a separate designation condition (NZTA.9.B).
- 17 I understand that **Ms O'Keeffe** (who is the NZTA's witness on archaeological matters and the author of Technical Report 20) is comfortable with my response to the section 42A report and the conditions now proposed in relation to archaeology and built heritage matters.



Ian Alexander Bowman
18 January 2012