

Before a Board of Inquiry
MacKays to Peka Peka Expressway Proposal

under: the Resource Management Act 1991

in the matter of: Notice of requirement for designation and resource consent applications by the NZ Transport Agency for the MacKays to Peka Peka Expressway Proposal

applicant: **NZ Transport Agency**
Requiring Authority

Statement of rebuttal evidence of **Mary O’Keeffe (Archaeology)** for the NZ Transport Agency

Dated: 23 October 2012

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**STATEMENT OF REBUTTAL EVIDENCE OF MARY PATRICIA O'KEEFFE
FOR THE NZ TRANSPORT AGENCY**

- 1 My full name is Mary Patricia O'Keeffe.
- 2 I have the qualifications and experience set out at paragraphs 2 to 6 of my statement of evidence in chief, dated 3 September 2012 (*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 This statement of rebuttal evidence responds to the evidence of:
 - 4.1 **Kathryn Hurren**, on behalf of New Zealand Historic Places Trust Pouhere Taonga;
 - 4.2 **Te Kenehi Teira**, on behalf of New Zealand Historic Places Trust Pouhere Taonga;
 - 4.3 **Waikanae on One** (WOO).
- 5 Consistent with my, *EIC* I have referred to the MacKays to Peka Peka Expressway Project as "the Project" in this rebuttal evidence.

EXECUTIVE SUMMARY

- 6 I do not agree that archaeological mitigation for the project needs to be developed further, and I do not agree that Tuku Rakau village will be destroyed. I oppose WOO's proposed alternate route past the Takamore dune, because of potential increased impact on the archaeological resource.
- 7 I confirm that the evidence prepared by the submitters has not caused me to depart from the opinions expressed in my *EIC* and I re-confirm the conclusions reached in my *EIC*.

EVIDENCE OF NEW ZEALAND HISTORIC PLACES TRUST

Kathryn Hurren – archaeology

- 8 In her evidence Ms Hurren states that she agrees with the findings of my scoping report, including my work on site types and my predictive model, my prediction on archaeological potential and resultant archaeological recommendations.¹
- 9 In paragraph 15 of her evidence, Ms Hurren states that the main issue that has not been addressed to a satisfactory standard in my evidence is the mitigation of the archaeological resources under the Resource Management Act 1991 (*RMA*). Ms Hurren states in her

¹ Technical report 9.

conclusion (paragraph 41) that NZHPT agrees with the direction that the mitigation proposed by NZTA is heading but believes NZTA's proposal needs to be developed further.

- 10 However, Ms Hurren provides no detail around this position. She does not state what aspect of the mitigation is lacking, nor how it should be further developed. This position is contrary to the submission made by NZHPT that states:

In relation to the effects on archaeology and built heritage NZHPT is satisfied that avoidance and mitigation offered by the applicant is sufficient to ensure the effects on archaeology and built heritage over the entire route are less than minor.

- 11 In addition, as I stated in my EIC, I attended a number of meetings with NZHPT officers, including at least four where Ms Hurren was present. During these meetings the officers indicated they were satisfied with the archaeological mitigation around the RMA issues.

- 12 In paragraph 34 of her evidence, Ms Hurren states that "Archaeological excavation and the reporting of the results are not categorised as mitigation under the RMA. This is a legal requirement under the HPA". I acknowledge that these are legal requirements under the HPA but I disagree with the first statement. In my view, reporting on results of archaeological excavations can be considered as mitigation under the RMA. The information provided by archaeological excavation can assist with the preservation of wider areas and can contribute to sustainable management of the archaeological resource. This will mitigate the loss of any archaeological resource located along the route. Knowledge of our history can also contribute to people's social and cultural wellbeing.

Te Kenehi Teira – cultural values

- 13 In his evidence-in-chief, Te Kenehi Teira states in paragraph 11 that the proposed Expressway alignment means that "...the Tukurakau (sic) village will cease to exist as it will be destroyed". This is not correct. The site of the main part of Tuku Rakau village is to the east of the proposed Expressway alignment. This location has been established both from the location of the existing kauri tree, which was planted by Wi Parata when the village moved, and also from historic survey plans.
- 14 I acknowledge that the current proposed alignment has the potential to destroy gardening areas on the western edge of the village, and possibly some whare sites. These sites are identified in my EIC and Technical Report. The main part of the Tuku Rakau village, however, is avoided. The proposed western alignment between the river and Te Moana Rd was preferable on archaeological grounds because it minimised adverse effects on the probable archaeological resource of Tuku Rakau village.

EVIDENCE OF WAIKANAE ON ONE

- 15 I have reviewed the WOO evidence, noting in particular the alternative design presented by David Roil on p22 of his EIC. This proposal involves a larger cut that appears to make a bigger and more significant impact on the crescent dune and the dune to the north of it. This larger cut would increase the risk of destroying unknown archaeological resources on this dune.

CONCLUSION

- 16 The NZHPT has previously stated it is satisfied with archaeological mitigation for the proposed Expressway in terms of the RMA. The NZHPT witnesses do not state in their evidence what aspects of archaeological mitigation they now consider to be lacking. I remain of the opinion that the proposed mitigation is sufficient and appropriate.
- 17 I disagree with NZHPT's contention that the archaeological remains of Tuku Rakau village will be destroyed, as the main part of the village site will be unmodified.
- 18 I oppose WOO's proposed alternate route between the Waikanae River and Te Moana Rd due to the potential for increased impact on archaeological resources.



23 October 2012