

## **Before the Independent Hearings Panel in the Waikato Region**

In the matter of the **Resource Management Act 1991**

and

In the matter of **Enabling Housing Supply Variation 3**  
**to the Proposed Waikato District Plan**

Statement of Evidence of Jennifer Hayman on behalf of Queen's Redoubt Trust.

Primary submission 115

Further submissions 211 and 226

21 July 2023

### **Summary**

1. The particular interest of Queen's Redoubt Trust (QRT) in Variation 3 is confined to the manner in which it may adversely affect the Queen's Redoubt site and thence the QRT objectives to preserve the site of Queen's Redoubt and to promote the knowledge and understanding of a period in history which was significant not only in the Waikato region, but also nationally. Allied to that interest, is the attendance to legitimate qualifying matters, archaeology and history, in particular.

2. The purpose and scope of this evidence is to outline the nature of the problem for both the Queen's Redoubt site and the Queen's Redoubt Trust.

### **Introduction**

3. My name is Jennifer Hayman. I hold a MA in Anthropology-Archaeology from the University of Auckland 2019. I am a certified Independent Hearings Commissioner with chairing endorsement, (last recertification 2019).

4. I have experience in Local Government, including Franklin District Council, then Waikato District Council, and later Waikato Regional Council. The Franklin District Council Plan Change 24 was processed just prior to the 2010 reorganisation of Local Government.

### **Code of Conduct.**

5. I confirm that I have read the Code of Conduct, contained in the Environment Court Practice Note 2023, and that I agree to comply with it. I confirm that I have not omitted to consider material or facts known to me that might alter or detract from the opinions that I express. I confirm that this evidence is within my area of expertise, except where I state otherwise.

### **QRT submission #115 and further submissions #211, #226 – in brief**

6. QRT made a primary submission on Variation 3 (#115), identifying its primary concerns on the intensification provisions (EHS) immediately adjacent to the QRT-owned site at 22 Great South Road, and within the extent of the Queen's Redoubt.

7. A Further Submission (#211) was made, outlining the nature of the problem for QRT. QRT interests lay not in urban intensification, but rather how Variation 3, Enabling Housing Supply might further compound the changed planning provisions in the PDP.

8. QRT made a Further Submission (#226) on relevant qualifying matters (raised by submitter 116, but similarly raised by submitter 105, and thus using the example of Havelock Village Ltd (HVL) land and Transmission Hill. This Further Submission referenced the new evidence (January 2023) of archaeological research on the likely locations of Te Wheoro's Pa and the Signal Station.

### **The QRT predicament**

9. As suggested above and detailed in the QRT further submission (# 211), the genesis of the bewildering District Plan provisions, which the QR archaeological and historic site is now subject to, lies in the PDP, as notified in 2018. Those who are familiar with Resource Management (RMA 1991) practices and processes would have noted (and submitted upon) the failure of WDC to propose to retain the Queen's Redoubt Heritage Zone, and the associated failure to include the entire Queen's Redoubt site in the Schedule, as an Historic Area. However, QRT did not have the necessary expertise, at its disposal, in 2018. It appears that no approach was made, by WDC, prior to PDP notification in 2018, to engage with, or advise, the QRT of the proposed changes, much less seek their feedback on any proposal. Nor indeed did there seem to be any correspondence with Heritage NZ on such a significant change. This is indeed regrettable, particularly given the extensive data, pertaining to the Queen's Redoubt, that WDC had at its disposal.

10. Further submission (#211), opposing, in part, the primary submission of Kainga Ora, contained evidence referencing the process and decisions of Plan Change 24 of the Franklin District Council, which planning provisions remained operative until subject to review. This will not be repeated here.

11. Further submission (#226) was made in response to the late addition of primary submission 116, (with similar requests to those of HVL #105), and this further submission noted new evidence on the location of Te Wheoro's Pa and the signal station. QRT's further submission was about "qualifying matters". At risk here was the potential for development to occur, relying on ADPs when in fact history strongly suggested that archaeological evidence would be found.

### **QRT primary submission #115.**

12. The paragraph below (para 446) is copied directly from the WDC (Council's) s42A Report.

*"Queen's Redoubt Trust (#115.1) has requested that only single storey housing be allowed on the south side of Selby Street, adjoining the Queen's Redoubt site, and in Walter Rodgers Road, Pokeno (there is an error in the naming of the road in the submission), opposite the entrance to the redoubt. In the reasons for the submission the submitter states these sections are part of the Queen's Redoubt archaeological site and are protected under the Heritage New Zealand Pouhere Taonga Act 2014. The submitter also states the Queen's Redoubt site was to become a special heritage zone under the Franklin DC Plan, Plan Change 42. On this point I note there is a Queen's Redoubt Heritage Zone in the Operative District Plan (Franklin Section). The primary Queen's Redoubt site is zoned Commercial Zone in the Proposed District Plan and it is not scheduled as a heritage item in the PDP. The neighbouring property at 24 Great South Road is zoned Medium Density and contains a scheduled heritage site Pokeno Redoubt House, a B ranked historic heritage item."*

13. It is correct that the Operative District Plan (Franklin Section) identifies the zoning of the Queens Redoubt site as “Queen’s Redoubt Heritage Zone”. It is also true, although not acknowledged in the s42A Report, that the Queen’s Redoubt site is included in the Operative District Plan (Franklin Section) Schedule as an Historic Area.

14. However, in the (2018) Notified Proposed District Plan, the Queen’s Redoubt site is absent from the Schedule, and the proposed zoning for the site was Business.

15. The s42A Report writer notes that the preliminary advice of Dr Ann McEwan is to consider scheduling the Queen’s Redoubt site in its entirety, and further noting agreement with this recommendation and further considering that this work should be added to the Council’s forward work programme for the PDP.

It is surprising that a historic area already scheduled in the Operative District Plan should now, a decade later, be in need of “consideration” for scheduling.

16. Again, as indicated above, this is (in my interpretation) a problem of WDC’s making - seemingly in its failure to include the current (Operative District Plan) status of the site within its (Notified) Proposed District Plan. It is not clear if this option was considered – and rejected – or simply not assessed. Whatever the process, it seems not to appear in any s32 analysis. Given the in-depth Report of the Independent Commissioners in Plan Change 24 in 2009-2010, in conjunction with the national significance of the site, one might have assumed that a thorough review would have been undertaken prior to 2018 notification of the PDP.

17. The provisions of Part 43 Queen’s Redoubt Heritage Zone (in the Operative District Plan Franklin Section) can be found at: <https://districtplan.waikatodc.govt.nz/pages/plan/book.aspx?exhibit=FS4>

### **QRT Further submission #226**

18. Further submission #226 (being to the primary submission #116 of Pokeno West Ltd and West Pokeno Ltd) noted the point of interest was “legitimate qualifying matters” (not necessarily related to the Pokeno West and West Pokeno lands but referencing Havelock Village Ltd (#105) as an example).

19. At essence here is historic heritage as a qualifying matter – specifically known or highly probable archaeological evidence on sites.

20. Further submission #226 noted that very recent archaeological research points to the likely location of Te Wheoro’s pa and the Signal station. The two sites are now recorded in the national archaeological site recording database, ArchSite: (NZAA R12/1219) as the likely location of the Signal station, observation post; and (NZAA R12/1220) as the likely location of Te Wheoro’s pa, with the accompanying site report entitled “Locating Te Wheoro’s Pa and Signal Station in the Vicinity of Queens Redoubt, Pokeno”.

### **In summary**

21. In sum, while the submissions of QRT are not, for the main part, “on” the Variation, they do serve to demonstrate the importance of attention to detail in reviewing planning provisions, particularly where, as in this case, a historic site is of regional and national significance and a suite of provisions has already been demonstrated to provide for its protection and the manner in which knowledge of its national significance can be disseminated. The importance of historic heritage as a qualifying matter is indeed “on” the Variation, but this has been raised by other parties, and so we leave it to them to defend.