

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 6 of Schedule 1, Resource Management Act 1991

To Timaru District Council

Name of Submitter: Waipopo Huts Trust (the Trust)

- 1 This is a submission on the Proposed Timaru District Plan (the **Proposed Plan**)
- 2 The Trust could not gain an advantage in trade competition through this submission.
- 3 The specific provisions of the Proposed Plan that the Trust submission relates to and the reasons for Trust submission are set out in **Appendix A** and **Appendix B** below.
- 4 The Trust's submission relates to the whole Proposed Plan. The general and specific reasons for the Trust's relief sought in **Appendix B** are set out in **Appendix A**.
- 5 The Trust seeks the following decisions from the local authority:
 - 5.1 Grant relief as set out in **Appendix A and B**;
 - 5.2 Grant any other similar relief that would deal with the Trust's concerns set out in this submission.
- 6 The Trust wishes to be heard in support of the submission.
- 7 If others make a similar submission, the Trust will consider presenting a joint case with them at a hearing.

Signed for and on behalf of the Trust by its solicitors and authorised agents Saunders & Co.



Chris Fowler

Partner

15 December 2022

Address for service of submitter:

Waipopo Huts Trust

c/- Chris Fowler & Shona Walter

Saunders & Co

131 Victoria Street

PO Box 18

Christchurch

Email address: chris.fowler@saunders.co.nz / shona.walter@saunders.co.nz

APPENDIX 1

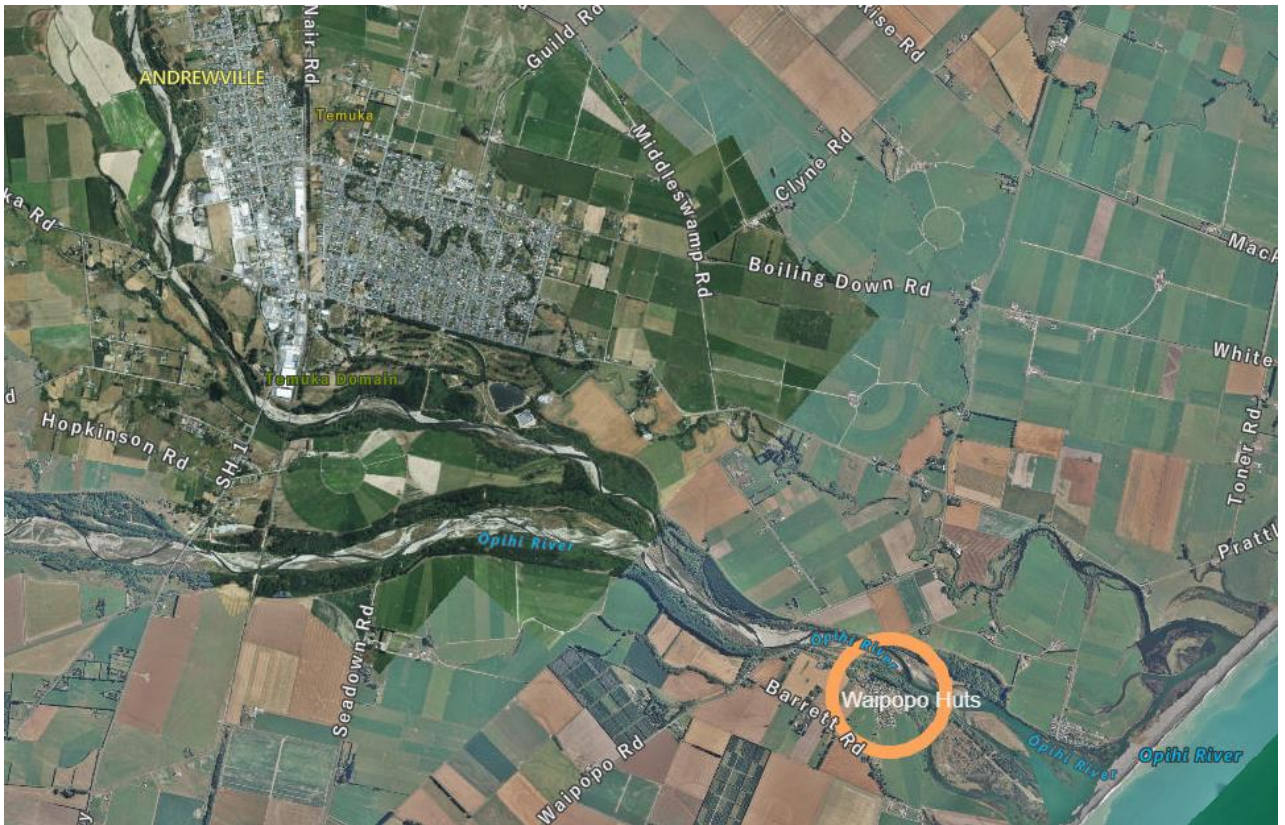


Figure 1 Location of the Waipopo Huts (in orange circle)



Figure 2 Location of Waipopo Hut properties owned by the Waipopo Huts Trust



Figure 3 Waipopo Settlement from Google Street View

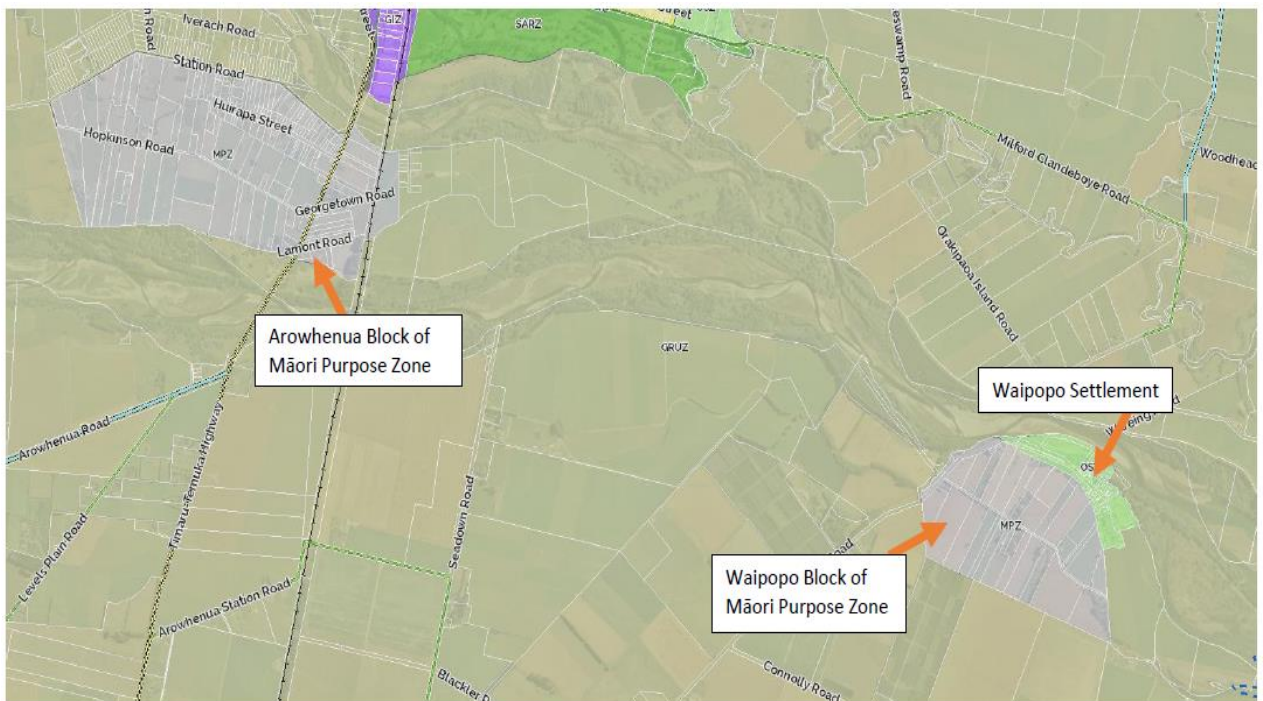


Figure 4 Maori Purpose Zoning in relation to Trust Land

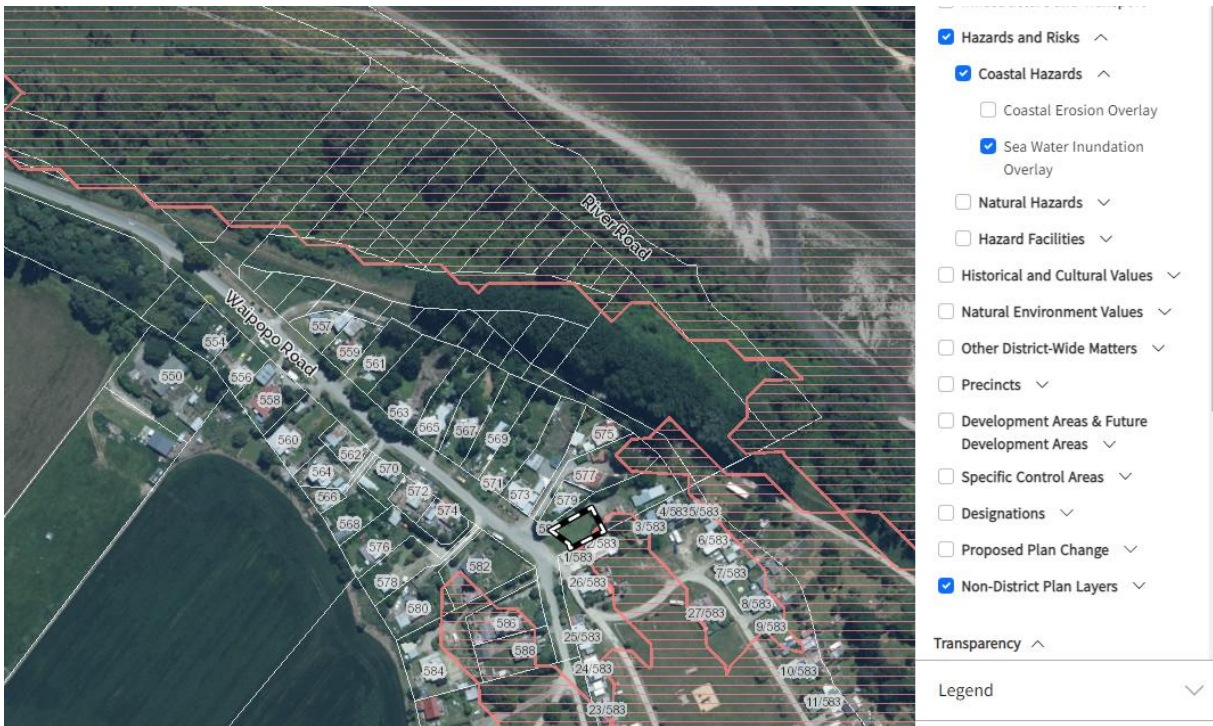


Figure 5 Proposed Plan map showing Sea Water Inundation overlay across Waipopo Trust Land

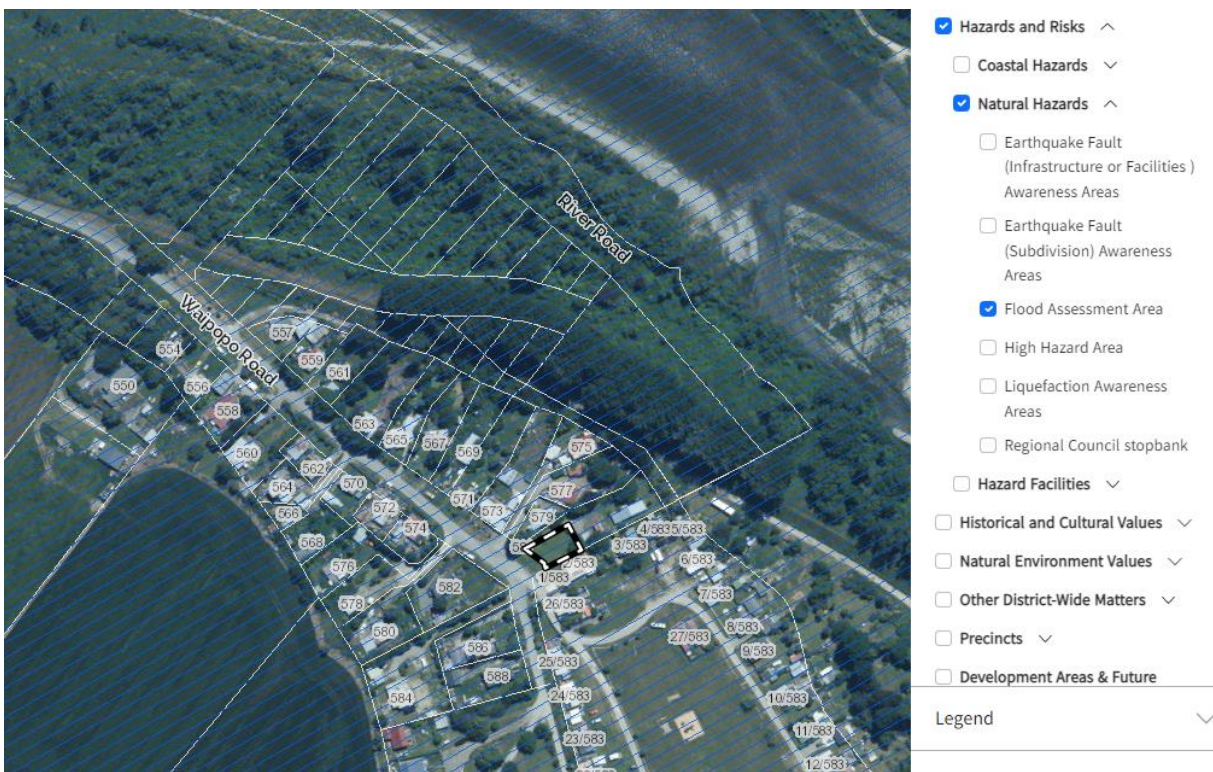


Figure 6 Proposed Plan map showing Waipopo Trust Land

Flood Assessment Area overlay across

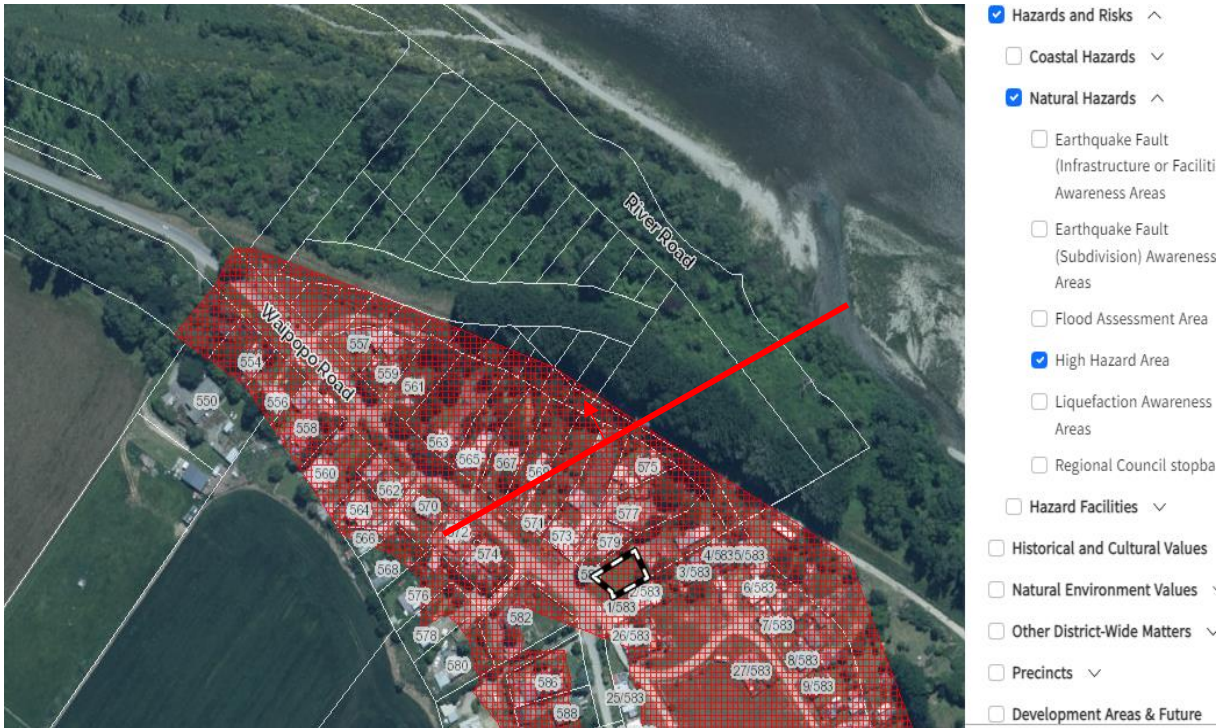


Figure 7 Proposed Plan map showing High Hazard Area overlay across Waipopo Trust Land

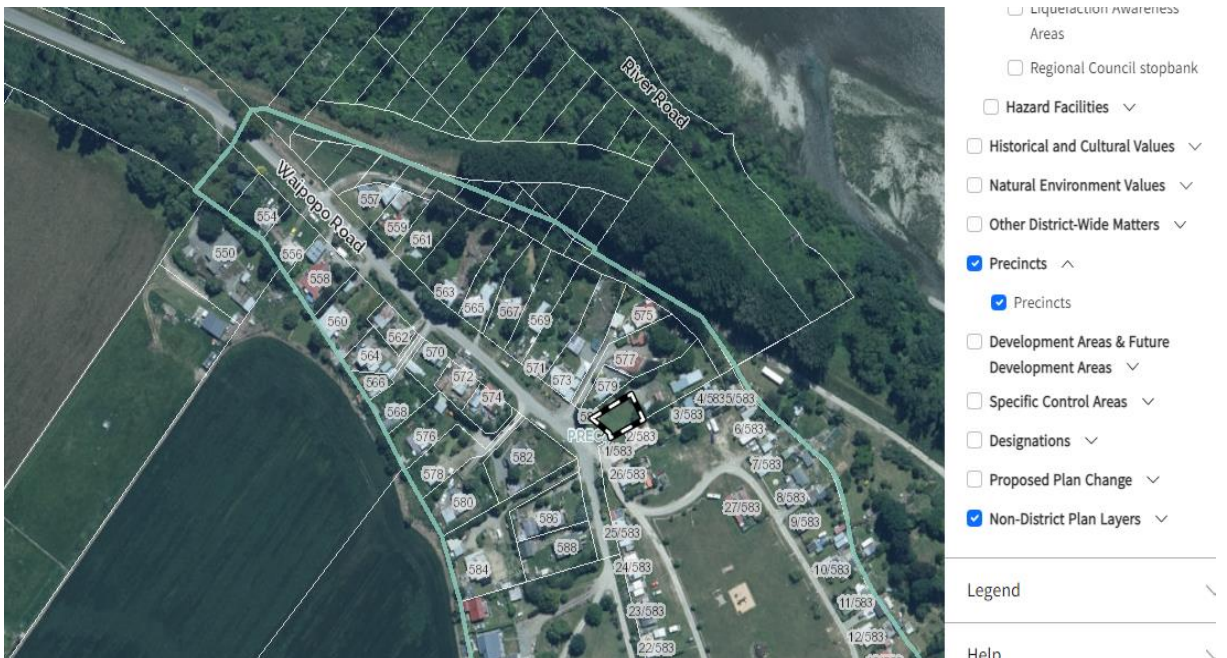


Figure 8 Proposed Plan map showing PREC4 Holiday Huts overlay across Waipopo Trust Land



Figure 9 Proposed Plan map showing Regional Council Stopbank overlay across Waipopo Trust Land

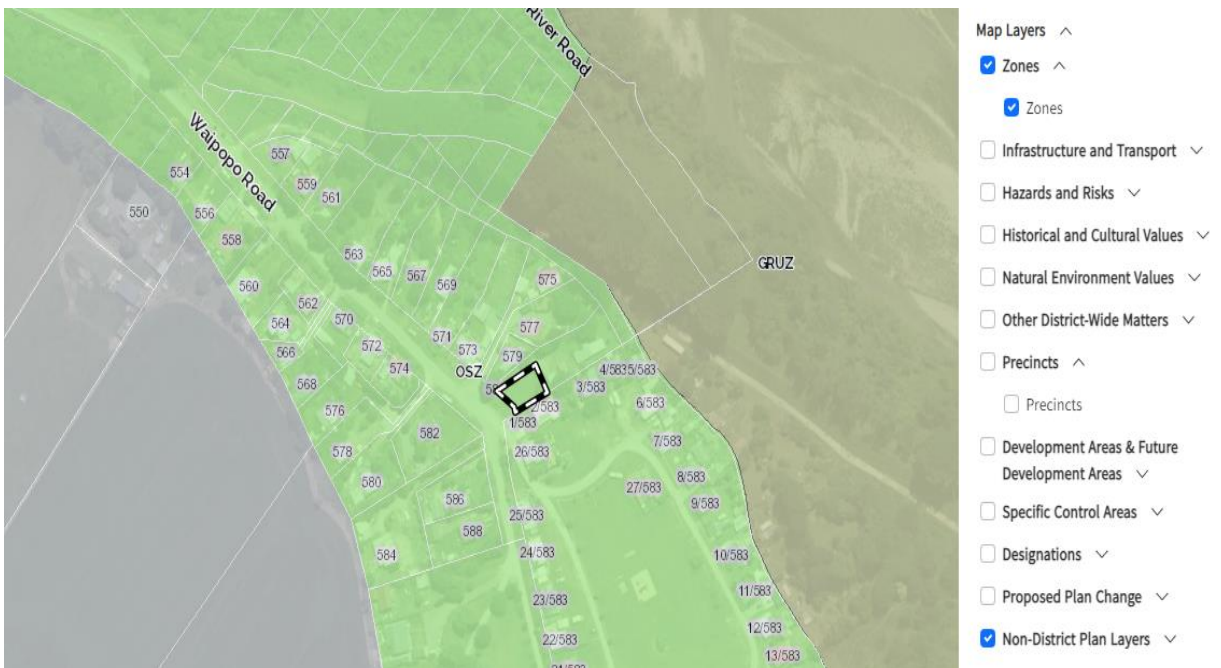


Figure 10 Proposed Plan map showing Open Space Zone across Waipopo Trust Land



Figure 11 Proposed Plan map showing Liquefaction Awareness Areas Overlay across Waipopo Trust Land



Figure 12 Proposed Plan map showing Drinking Water Protection Area Overlay across Waipopo Trust Land

APPENDIX A

Name of submitter

- 1 The submitter is the Waipopo Huts Trust (the **submitter** or the **Trust**).

Background

The Submitter

- 2 The Waipopo Huts Trust was created in 1992 through a Trust Order by the Māori Land Court under the Māori Affairs Amendment 1974.
- 3 The Trust Order vested the Māori Freehold land listed in the schedule of the Trust Order in Trustees who are required to hold the land on trust in accordance with the provisions of the Trust Order.
- 4 The Trust Order provides the Trustees of the Waipopo Huts Trust with specified powers, including at Clause 2:¹

The Trustees shall have power to use, exploit and manage the land vested in the Trustees and to that end to do all or any of the things which they would be entitled to do if they were the beneficial owners of the land.

- 5 And at Clause 3(m):

To institute or take part in such proceedings under the Town and Country Planning legislation in respect of the land or any other land in the vicinity as the Trustees may consider necessary or desirable in the interests of the equitable owners of the land vested in the Trustees.

- 6 As illustrated by the above, the Trust has power and responsibility for participating in district planning processes where these processes impact on the Waipopo land owned by the Trust (we refer to this as the **Trust Land**).
- 7 The relevant tangata whenua of the Trust Land are Ngai Tahu and Kati Huirapa. The beneficiaries of the Trust are landowners and whānau members that are whakapapa to Kati Huirapa.

¹ Note that the above power has some qualifications, e.g. the Trust is not able to mortgage or sell the land or any part thereof.

The Trust Land

- 8 The location of the Trust Land is shown in **Appendix 1, Figure 1**. The Trust Land is located between the coast and State Highway 1, approximately 120 m south of the Opihi River. Access is via the sealed Waipopo Road from the State Highway.
- 9 The Trust Land is part of a larger area known as the Waipopo Hut Settlement (the **Waipopo Settlement** or **Settlement**) and contains a number of small dwelling or huts (see **Appendix 1, Figure 2**).
- 10 The Waipopo Hut Settlement consists of some 36 properties of varying sizes. See **Appendix 1, Figure 3** for google street images of the Hut Settlement.
- 11 The huts were traditionally used as fishermen huts and batches, by people who came for holidays and seasonal fishing, but in later years these dwellings have become permanent homes.
- 12 Some of the dwellings within the Waipopo Hut Settlement need upgrading or demolishing and replacement. Several of the dwellings are not habitable.
- 13 There are approximately 25 people living on the Trust Land, and all of these people live at Waipopo on a permanent basis.
- 14 Currently there are approximately 60 people living in the wider Waipopo Hut Settlement.
- 15 The Trust Land forms part of Māori Reserve 4074 Waipopo Blk VII Arowhenua SD. Each property owned by the Trust is listed as being within MR 4074 Waipopo Blk VII Arowhenua SD, on the Te Kooti Whenua Māori GIS database².

Historical context

- 16 In 1848, the document known as “Kemp’s Deed” was signed by the Crown and Ngai Tahu, whereby the Crown promised that reserves would be set aside for the present and future wants of Māori, and suggested that the Crown would provide facilities such as schools and hospitals on these reserves. In return, Māori agreed to transfer the majority of land in Canterbury (approximately 5.5 million hectares³) to the Crown.

² <https://www.maorilandonline.govt.nz/gis/map/search.htm>

³ https://ngaitahu.iwi.nz/our_stories/kemps-deed-1848/

- 17 However, the exact number, location and extent of these Māori reserves was not agreed at the time that Kemp's Deed was signed. After the "dust had settled" on Kemp's Deed, it became apparent that the only small fraction of the land in Canterbury was to be set aside for Māori reserve land, far less than what was required to sustain the customary way of life for Māori communities.
- 18 The original native reserve at Waipopo was reserved in 1848 by Mr Mantell, pursuant to Kemp's Deed. The Waipopo Reserve was one of the few reserves ultimately set aside for Ngāi Tahu grantees and their descendants to live upon as a "kainga nohoanga" or "settlement".
- 19 The tipuna of whānau members first settled in Waipopo in approximately 1300, and whānau members have remained in Waipopo Reserve since that time. Throughout, this rūpu have maintained kaitakitanga and mana whenua over the Trust Land.
- 20 Since establishment, the Waipopo Reserve (which includes the Trust Land, being Part MR 4074 Waipopo Blk VII Arowhenua SD) has been subject to various laws and regulations. These regulations have restricted the ability of descendants of the original grantees to build dwellings on land originally set aside for them under Kemp's Deed. It could be argued that these restrictions have forced tribal members to relocate to urban areas, contributed to the alienation of the land and resulted in the breakdown of Māori communities in both social and cultural makeup.

The Trust's vision for the Trust Land

- 21 The Trust's overall vision for the Trust Land is to re-establish the village that once occupied this Māori reserve land by upgrade and redevelopment of the area for safe residential use including for Māori social housing.
- 22 The Trust Land is subject to several environment constraints (discussed below), which need to be understood and appropriately addressed in order for the Trust's vision for the land to be fully realised.

Environmental constraints affecting the Trust Land

Flood hazard risk

- 23 The Waipopo Hut Settlement is located adjacent to the Opihi River, and the Opihi River stopbanks. It is within a wider area identified by both the Timaru District Council and Environment Canterbury (**ECan**) as being at high risk of flooding in a 1 in 500 year storm event. We address the potential flood hazard risk further below.

Drinking water, wastewater and stormwater services

- 24 There is no potable community drinking water supply available to the Waipopo Hut Settlement. The drinking water supply for the Trust Land comes from private bores, which are not treated.
- 25 The Waipopo Hut Settlement does not have access to a reticulated wastewater system. The status quo is a mixture of septic tanks and sewage holding tanks, which are emptied at the residents' own cost.
- 26 None of the Huts have adequate stormwater infrastructure (e.g. soakage or retention) and consequentially stormwater flows are discharged directly to ground.

Operative District Plan provisions relevant to residential use of Trust Land

- 27 Under the Operative District Plan (**ODP**), the Waipopo Settlement is zoned Recreation 1. The Settlement is not subject to any additional hazard planning layers.
- 28 Even so, the ODP rules provide, in relation to the Recreation 1 zone, that:
- (a) the modification of a household unit or holiday hut for the purpose of reducing likely flood damage is discretionary (Rule 5.3.3.1); and
 - (b) new household units (including holiday huts) are prohibited (Rule 5.3.1.5.1).

Overview of the changes in the Timaru Proposed District Plan

- 29 See **Appendix B** for a table containing the provisions of the Timaru Proposed District Plan (**Proposed Plan**) of relevance to this submission and relief sought in relation to those submissions.

The Proposed Plan provisions relating to the Trust Land

- 30 The Proposed Plan rezones the entire Waipopo Hut Settlement, including the Trust Land, to Open Space Zone, and also includes a number of overlays over the Trust Land. The Proposed Plan restricts new residential activity on the Trust Land as a non-complying activity. The Proposed Plan does not formally recognise the Trust Land as a Māori Reserve, and does not zone the Trust Land as Māori Special Purpose Zone.
- 31 The Trust considers that carrying out their vision within the framework of the Proposed Plan would be very difficult. For the reasons discussed below, the Trust considers that the provisions of the Proposed Plan do not sufficiently provide for their intended use of the Trust Land.

Submission

32 The submitter **opposes** the following parts of the Proposed Plan:

- (a) the zoning of the properties of the Waipopo Settlement owned by the Waipopo Trust, being Open Space Zone (see **Appendix 1, Figure 4**) and seeks that the Trust Land be zoned Maori Purpose Zone;
- (b) the following mapping overlays which have the effect of inhibiting residential development and activity on the Trust Land:
 - (i) Sea Water Inundation; (see **Appendix 1, Figure 5**);
 - (ii) Flood Assessment Area; (see **Appendix 1, Figure 6**);
 - (iii) High Hazard Area; (see **Appendix 1, Figure 7**);
 - (iv) Precinct: PREC4 – Holiday Huts Precinct; (see **Appendix 1, Figure 8**);
 - (v) Regional Council Stopbank; (see **Appendix 1, Figure 9**);
 - (vi) Open Space Zone; (see **Appendix 1, Figure 10**);
 - (vii) Liquefaction Awareness Areas; (see **Appendix 1, Figure 11**); and
 - (viii) Drinking Water Protection Area (see **Appendix 1, Figure 12**).

Reasons for submission

General reasons for opposition

33 In addition to the specific reasons discussed below, the general reasons for the submitter's opposition to the Timaru Proposed District Plan are that the Proposed Plan:

- (a) does not promote the sustainable management of natural and physical resources in accordance with section 5 and the relevant matters at section 6 and 7 of the Resource Management Act 1991 (**RMA**); and
- (b) does not provide for integrated use and development of natural and physical resources within the Trust Land; and

- (c) does not give effect to the Timaru District Council's (**TDC**) obligation to take into account Te Tiriti o Waitangi principles, at section 8 of the RMA;
- (d) unduly restricts the ability of descendants of the original grantees to upgrade and build dwellings on land originally set aside for them under Kemp's Deed;
- (e) is not based on an adequate and/or accurate section 32 evaluation and as consequence the Council has failed to properly consider the costs and benefits of providing for residential use and development of the Trust Land; and
- (f) In particular, (but without limitation) the s.32 evaluation fails to identify, as an alternative option objectives, policies and methods that provide for residential development of the Trust land.

Specific reasons for submission

Historic commitments between tangata whenua and the Crown to allow tangata whenua to use Waipopo for Māori purposes

34 Since establishment, the Waipopo Reserve has been subject to various laws and regulations. These regulations have largely restricted the ability of descendants of the original grantees to build dwellings on land originally set aside for them under Kemp's Deed. Further, the current planning provisions in the ODP do not provide for the descendants of the original grantees to use the land for the purpose it was intended.

35 Given the Crown's historic commitments briefly described above, the Trust considers the decision to create planning rules that hinder constructive use of the Waipopo Reserve land, should not be made until extensive consultation has been undertaken with the Trust.

36 It is frustrating for the Trust to realise that this land is now considered by the TDC to be unfit for residential purposes, as demonstrated by the non-complying activity status attached to building extensions or new buildings under various rules.

37 One obvious solution would be to rezone the Trust Land to Māori Purpose Zone, as the Māori Purpose zone appears to be the Proposed Plan's method for recognising and providing for the development of Māori Reserve land as part of Kemp's Deed. However, the Trust considers that some of the provisions of the Māori Purpose Zone are inappropriate in the context of the Trust Land.

Flooding hazards in the area

- 38 The Flood Hazard policy and its corresponding overlay takes a precautionary approach when identifying natural hazards and setting the level of risk for that hazard. The flood hazard overlays in the Proposed Plan were based on the best available data at the time of decision making. However, the precautionary approach also requires the risk level of a flood hazard be revised if new data becomes available. The following sections bring to light new data which should be taken into account when determining the level of flood risk associated with Waipopo Trust land.
- 39 To the best of the Trust's knowledge the Waipopo Hut Settlement has not been seriously flooded at least for some 80 years.
- 40 The most up-to-date flood information available for the Waipopo Settlement seems to be contained in a work-in-progress report authored by ECan. This report firstly seeks to collate all of the current information ECan has regarding flooding in the Opihi River area. The report also outlines the results of flood modelling that was undertaken for the Waipopo Settlement in particular.
- 41 The flood information review and modelling undertaken by ECan has shown that while the Waipopo Settlement may be inundated by flooding in a 1 in 500 year flood; it is not inevitable that the Trust Land will be flooded in this kind of event. It is notable the stopbank in the vicinity of the Waipopo Settlement has not breached in historic floods, while other areas of the lower Opihi Stopbank have been breached.
- 42 The report also shows that areas in the wider Waipopo area (e.g. the land to the immediate south west of the Hut settlement) are, based on the available information, just as likely to be affected by a storm event of 1 in 500 year magnitude. However, it is only the Waipopo Hut Settlement itself that has been covered by a High Hazard overlay in the Proposed Plan.
- 43 Therefore, the Trust considers that, based on the findings in the ECan report, and their historic knowledge of flooding in the area, the flood risk to the Trust Land is not as significant as indicated by the High Hazard Overlay.
- 44 The effect of the High Hazard overlay is that both the replacement or modification of dwellings, and new buildings and structures, are a non-complying activity. This activity status creates a real hurdle for the Trust in achieving its vision for the Trust Land.

Inhibiting effect of other mapping overlays in the Proposed Plan is not appropriate

45 In addition to the High Hazard Area overlay, the following mapping overlays affect the Trust Land:

- (a) the Sea Water Inundation Overlay;
- (b) Flood Assessment Area Overlay;
- (c) Precinct: PREC4 – Holiday Huts Precinct;
- (d) Regional Council Stopbank Overlay;
- (e) Open Space Zone Overlay;
- (f) Liquefaction Awareness Areas Overlay; and
- (g) Drinking Water Protection Area Overlay.

46 These overlays cause the replacement or modification of dwellings, new buildings and structures to be a non-complying activity on the Trust Land.

47 The Trust considers that a more permissive planning regime is appropriate for these kinds of activities, because:

- (a) The Crown has made a historical commitment to enabling Māori to carry out their needs and wants on the Waipopo Reserve (as discussed above);
- (b) The common use of the Waipopo Settlement land is now permanent residential use, not intermittent holiday hut use. This is contrary to what the Proposed Plan seeks to provide for; and
- (c) The flood hazard risk in the area has been overstated (as discussed above).

Relief sought

General relief

48 Amend the Proposed Plan to enable the Trust's vision for the Trust Land, namely to re-establish the village that once occupied this land by upgrade and redevelopment of the Trust Land for safe residential use including for Māori social housing.

Specific relief

- 49 Amend the Proposed Plan so that the Waipopo Reserve, and its historical and current significance to tangata whenua, is explicitly recognised.
- 50 Amend the Proposed Plan to rezone the Trust Land to Maori Purpose Zone.
- 51 Amend the objective and policies of the Proposed Plan to recognise and provide for residential use and development within the Trust Land.
- 52 Amend the rules of the Proposed Plan to enable new dwellings and dwelling upgrades to be undertaken on Trust Land as a permitted activity subject to performance standards to mitigate the risk to the environment and human health.
- 53 Make any alternative amendments, additional amendments, or consequential amendments, deletions, or additions that are necessary or appropriate to give effect to the intent of this submission.
- 54 Respond to the need to provide the Waipopo Settlement with adequate drinking water, wastewater and stormwater infrastructure.
- 55 Lastly, the submitter seeks that the Council consults fully with the Trust during the next stages of the Proposed Plan.

Application of relief to other Māori owned land within this area

- 56 The matters advanced in this submission by the Trust appear to be equally applicable to other Māori owned land within this area, on the basis that:
- (a) the aspirations of the landowners and occupants of such land are the same or similar to the Waipopo Trust,
 - (b) such land is affected by the same or similar environmental issues as outlined in this submission for the Waipopo Trust, and
 - (c) such land is affected by the same or similar provisions of the Proposed Plan as those that affect the Waipopo Trust land.
- 57 Accordingly, the relief sought in this submission should apply equally to other Māori owned land within this area for the same reasons as mentioned above in respect of the Waipopo Trust land to

the extent that the relief is relevant to such land, and including any amendments that may be required to make the relief suitable to the other Māori owned land within this area.

**APPENDIX B
WAIPOPO HUTS TRUST**

Sub #	Provision	Position	Relief requested	Explanation
Planning Map Overlay / Zone				
1.	Open Space Zone (OSZ)	Oppose	Change zoning of Waipopo Trust Land from OSZ to Maori Purpose Zone (MPZ)	Provides for mana whenua needs and activities as detailed by MPZ-02
2.	Regional Council Stopbank overlay	Oppose	Remove Regional Council Stopbank overlay from Waipopo Trust Land and/or amend related rules affecting the use and development of the Trust Land.	Provides for mana whenua needs, see below MPZ-02
3.	High Hazard Area overlay	Oppose	Remove the High Risk Natural Hazard overlay across the Waipopo Trust Land and/or amend related rules affecting the use and development of the Trust Land.	Provides for mana whenua needs, see below MPZ-02
4.	Sea Water Inundation overlay	Oppose	Remove the Sea Water Inundation overlay across the Waipopo Trust Land and/or amend related rules affecting the use and development of the Trust Land.	Provides for mana whenua needs, see below MPZ-02
5.	Flood Assessment Area overlay	Oppose	Remove the Flood Assessment Area overlay across the Waipopo Trust Land and/or amend related rules affecting the use and development of the Trust Land.	Provides for mana whenua needs, see below MPZ-02
6.	PREC4 Holiday Huts overlay	Oppose	Remove the PREC4 Holiday Huts overlay across the Waipopo Trust Land and/or amend related	Provides for mana whenua needs, see below MPZ-02

			rules affecting the use and development of the Trust Land.	
7.	Liquefaction Awareness Areas overlay	Oppose	Remove the Liquefaction Awareness Areas overlay across the Waipopo Trust Land and/or amend related rules affecting the use and development of the Trust Land.	Provides for mana whenua needs, see below MPZ-02
8	Drinking Water Protection Area overlay	Oppose	Remove the Drinking Water Protection Area overlay across the Waipopo Trust Land and/or amend related rules affecting the use and development of the Trust Land.	Provides for mana whenua needs, see below MPZ-02
Mana Whenua Chapter				
9.	MW1, MW2, MW3, MW4 & MW5	Support	Support the text contained with the Mana Whenua Chapter of the PDP	Provides for the recognition of mana whenua identity, values and interests. Including occupation of ancestral land, Treaty Settlement requirements and participation in planning documents and RMA processes.
Hazards and Risks Chapter				
10.	Objectives NH-01 NH-03	Oppose	Amend the natural hazard provisions to recognise the particular case of the Waipopo Trust land and provide for the replacement of existing dwellings of the same or similar size as a permitted activity.	The Waipopo Trust land contains multiple residential buildings that were constructed in the 1930's. Many houses are in a poor state of repair. These buildings need upgrading to modern standards and / or replacement. The natural hazards provisions do not recognise the upgrade of the dwellings. Nor do they provide for their replacement.
11.	Policies NH-P1 NH-P4	Oppose	Amend the natural hazard provisions to recognise the particular case of the Waipopo Trust land and provide for the upgrade and	The Waipopo Trust land contains multiple existing residential buildings that were constructed in the 1930's. Many houses are in a poor state of repair.

	NH-P5 NH-P10		replacement of existing dwellings of the same or similar size as a permitted activity.	These buildings need upgrading to modern standards and / or replacement. The natural hazards provisions do not recognise the existence of the dwellings. Nor do they provide for their replacement.
12.	Rules NH-R1 NH-R4 NH-R7 NH-R8(1)(2)&(4) NH-R9	Oppose	Amend the natural hazard provisions to recognise the particular case of the Waipopo Trust land and provide for the upgrade and replacement of existing dwellings of the same or similar size as a controlled activity.	The Waipopo Trust land contains multiple existing residential buildings that were constructed in the 1930's. Many houses are in a poor state of repair. These buildings need upgrading to modern standards and / or replacement. The natural hazards provisions do not recognise the existence of the dwellings. Nor do they provide for their replacement.
13.	Standards NH-S1 NH-S2	Oppose	Amend the natural hazard provisions to recognise the particular case of the Waipopo Trust land and provide for the replacement of existing dwellings of the same or similar size as a permitted activity.	The Waipopo Trust land contains multiple existing residential buildings that were constructed in the 1930's. Many houses are in a poor state of repair. These buildings need upgrading to modern standards and / or replacement. The natural hazards provisions do not recognise the existence of the dwellings. Nor do they provide for their replacement.
Maori Purpose Zone				
14.	Introduction and Objectives MPZ-01 MPZ-02	Support	Nil	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
15.	Policies MPZ1 MPZ7	Support	Nil	Provides for the recognition of mana whenua interests in the occupation of ancestral land and

				formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
16.	Rules MPZ-R1 MPZ-R22	Support in part, Oppose in part	Amend the rule insofar as they frustrate or impede the outcomes contemplated by the MPZ objectives and the MPZ policies.	<p>Waipopo Trust supports those rules insofar as they enable the outcomes contemplated by the MPZ objectives and MPZ policies.</p> <p>Waipopo Trust oppose those rules insofar as they frustrate or impede these objectives by imposing undue regulatory burdens on the use, development and renewal of dwellings within the Waipopo Trust land.</p>
17.	Standards MPZ-S1 MPZ-S3 MPZ-S4(2)	Support in part, Oppose in part	Amend the rule insofar as they frustrate or impede the outcomes contemplated by the MPZ objectives and the MPZ policies.	<p>Waipopo Trust supports those rules insofar as they enable the outcomes contemplated by the MPZ objectives and MPZ policies.</p> <p>Waipopo Trust oppose those rules insofar as they frustrate or impede these objectives by imposing undue regulatory burdens on the use, development and renewal of dwellings within the Waipopo Trust land.</p>
18.	MPZ-S4(1) Servicing	Oppose	Amend the volume requirement of 45,000 litres to a smaller volume. This small volume recognises the particular circumstances of the Waipopo Trust land and its occupants	The requirement to store 45,000 litres is excessive given the small size of dwellings, the cost and storage tanks and the circumstances of the Waipopo Trust Land and its occupants.
19.	MPZ-S4(2) Servicing	Oppose	Amend this standard to allow connection to holding tanks as an alternative connection to a reticulated service system.	The requirement for a connection to a reticulated service system is problematic as it does not provide for holding tanks.
Sites and Significance to Maori (SASM) Chapter				

20.	Rule SASM-R1	Oppose	Amend the rule to allow earthworks outside of the footprint of the building as a permitted activity, if the earthworks are required to upgrade and/or replace an existing building of the same or similar footprint.	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
Natural Character Chapter				
21.	Rules NATC-R1 (vegetation clearance)	Oppose	Amend the rule to allow vegetation clearance outside of the footprint of the building as a permitted activity, if the vegetation clearance is required to upgrade and/or replace an existing building of the same or similar footprint.	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
22.	Rule NATC-R2 (earthworks)	Oppose	Amend the rule to allow earthworks outside of the footprint of the building as a permitted activity, if the earthworks are required to replace and/or upgrade an existing building of the same or similar footprint.	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
23.	Rule NATC-R5 (buildings)	Oppose	Amend the rule to allow for the construction of buildings outside of the footprint of the previous building as a permitted activity, if the construction of the building is required to replace and/or upgrade an existing building of the same or similar footprint.	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
Drinking Water Protection Chapter				
24.	Rule DWP-R2 (subdivision not connected to a community sewage system)	Oppose	Amend the rule to recognise the special case of the Waipopo Huts Trust land and allow for subdivision of their lands as a controlled activity.	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.

Subdivisions Chapter				
25.	Standards SUB-S2 (stormwater treatment, catchment and disposal)	Oppose	Amend the standards to recognise the special case of the Waipopo Huts Trust land and allow for subdivision of their lands as a controlled activity.	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
26.	Standards SUB-S3 (water supply) (3) All other zones	Oppose	Amend the standards to recognise the special case of the Waipopo Huts Trust land and allow for subdivision of their lands as a controlled activity.	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
27.	Standards SUB-S4 (2) Maori Purpose Zone	Oppose	Amend the standards to recognise the special case of the Waipopo Huts Trust land and allow for subdivision of their lands as a controlled activity.	Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.
All Chapters of the Proposed District Plan / General Submissions				
28.	All Objectives, Policies and Methods	Support in part and Oppose in part.	<p>Amend the objectives, policies and methods of the Proposed Plan as may be necessary to enable the use, development and renewal of dwellings on Waipopo Trust Land, and to provide for mana whenua needs and activities on their land.</p> <p>Insert a grandfathering provision, which allows as a permitted activity the re-construction of dwellings that previously occupied the Waipopo Trust Land.</p> <p>Despite the different flood hazard overlays affecting the Waipopo Trust Land, there needs</p>	<p>Waipopo Trust supports those rules insofar as they enable the outcomes contemplated by the MPZ objectives and MPZ policies.</p> <p>Waipopo Trust oppose those rules insofar as they frustrate or impede these objectives by imposing undue regulatory burdens on the use, development and renewal of dwellings within the Waipopo Trust land.</p> <p>Provides for the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Maori community on Maori Trust land.</p>

			<p>to be the ability for the Trust to construct new buildings on the site as a permitted activity.</p> <p>Despite the Waipopo Trust Land not being serviced by a reticulated sewage system or reticulated potable water supply, there needs to be the ability for the Trust to construct new buildings on the site as permitted activity</p>	
29.	All Objectives, Policies and Methods	Support in part and Oppose in part.	<p>The relief sought in this submission should apply equally to other Māori owned land within this area for the same reasons as mentioned above in respect of the Waipopo Trust Land to the extent that the relief is relevant to such land, and including any amendments that may be required to make the relief suitable to the other Māori owned land within this area.</p>	<p>The matters advance in this submission by the Trust appear to be equally applicable to other Māori owned land within this area, on the basis that:</p> <ul style="list-style-type: none"> (a) the aspirations of the landowners and occupants of such land are the same or similar to the Waipopo Trust, (b) such land is affected by the same or similar environmental issues as outlined in this submission for the Waipopo Trust, and (c) such land is affected by the same or similar provisions of the Proposed Plan as those that affect the Waipopo Trust land.