

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE  
TIMARU DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act 1991 (**RMA** or  
**the Act**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on the Proposed Timaru District  
Plan (**PTDP** or **the Proposed Plan**)

**AND**

**IN THE MATTER OF**

Submissions and Further Submissions on the  
Proposed Timaru District Plan by **Waipopo  
Huts Trust**

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**EVIDENCE OF ELIZABETH STEVENSON  
ON BEHALF OF WAIPOPO HUTS TRUST REGARDING HEARING (F) HAZARDS  
AND RISKS**

Dated: 9 April 2025

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## INTRODUCTION

- 1 My name is Elizabeth (Lisa) Stevenson.
- 2 I am the Chairperson for the Waipopo Huts Trust (**Waipopo Trust / Trust**) and I have been in the role since 2019. I am also a current Trustee and owner on the Waipopo Huts Trust Land (**Waipopo Land / site**).
- 3 My role in relation to the Timaru Proposed District Plan (**Proposed Plan**) is as a Trustee on behalf of Waipopo Trust. This is based on my role as a Trustee to uphold the mana of the Waipopo Land and the obligations of the Trustees to the landowners.
- 4 I became a Trustee of Waipopo Trust in 2019. I am also very familiar with the history of the area and have family ties to the Waipopo Land. My great grandmother was born in Waipopo and lived her whole life there. Her homestead was very close to the huts. Other family members have interests in the Waipopo Land, including myself, these interests have been passed down through family. I now live in Arowhenua, where I also have an interest in that reserve.
- 5 I have been requested by the Waipopo Trust to prepare this evidence on the Natural Hazards Chapter of the Proposed Plan to provide the Hearing Panel with background to the use of the Waipopo Land over time. I have earlier prepared and presented evidence on behalf of Waipopo Trust at Hearing E. I repeat some parts of that evidence here, where it is relevant to the issue of flood hazard affecting the Waipopo Land.
- 6 In preparing this evidence I have reviewed the evidence of Robert Kerr, flood hazard expert engaged by the Trust.
- 7 In preparation of this evidence, I have reviewed the Section 42A Officer's report (**s42A Report**). The s42A Report broadly agrees with the Trust's submission, that the natural hazards provisions in the Proposed Plan needed amending to recognise the special status of the Waipopo Land. I agree with this approach and discuss this further in my evidence below.

**SCOPE OF EVIDENCE**

8 In my evidence I address the following topics:

- (a) Purpose and vision of Waipopo Trust;
- (b) Relevant context;
- (c) Use of the Waipopo Land over time; and
- (d) Response to the s42A Report.

**SUMMARY OF MY EVIDENCE**

9 The Trust would like to rebuild homes on the Waipopo Land and to maintain the number of dwellings that have occupied the site. Tupuna of whānau members settled in Waipopo in 1300. The aerial images appended to this evidence show continuous occupation of the Waipopo Land for 55 years and occupation of all lots within the Waipopo Land for 40 years. In recent years, the Trust has removed 4 dwellings that were derelict.

10 I fully support the changes proposed by the s42A Report because it recognises the Waipopo Land as a historical Māori reserve and the amendments to the rules provide a consenting pathway which enables us to carry out our purpose and vision for the Waipopo Land.

**PURPOSE AND VISION OF WAIPOPO TRUST**

11 The overall vision for the Trust for the Waipopo Land is to maintain the existing dwellings for safe residential use, and to replace derelict buildings with small eco dwellings within the existing footprint. The Trust does not intend to increase the number of dwellings on their land, just maintain the number of dwellings that once occupied the site by replacing dwellings that have already been demolished or replace dwellings that will need to be demolished in the future.

12 In the future, the Waipopo Trust would like to build small, modern, healthy eco homes. In the event that any of the homes on Waipopo Land are destroyed, Waipopo Trust would like to be able to rebuild those homes.

## RELEVANT CONTEXT

- 13 The settlements at Waipopo are located close to the Opihi River. Waipopo is part of the Arowhenua reserves set aside after the signing of Kemp's Deed in 1848 between Te Wai Pounamu iwi and the Crown.
- 14 The tupuna of whānau members first settled in Waipopo in approximately 1300, and whānau members have remained in Waipopo since that time.
- 15 The Waipopo Land is adjacent to the Opihi River stopbanks, which were constructed in 1972 on the Waipopo Land without consultation with the Waipopo Trust. It is within a wider area identified by both the Timaru District Council (**TDC**) and Environment Canterbury (**ECan**) as being at high risk of flooding in a 1 in 500 year storm event.
- 16 The key environmental constraint affecting Waipopo Land is flood hazard risk. While we are aware of the floods of the past, as far as the Trust is concerned, none of these events have impacted on the Waipopo Land. Apart from surface flooding there has never been any threat to the dwellings or the people at Waipopo.

## USE OF THE WAIPOPO LAND OVER TIME

- 17 The following section discusses development of the Waipopo Land over time. To help in the presentation of my evidence, I have attached aerial images of the Waipopo Land taken from Canterbury Maps – attached at **Appendix A**. The aerial images illustrate the use of the Waipopo Land from 1970 to present day.

### 1970-1974

- 18 **Image 1** in Appendix A shows the Waipopo Land and the dwellings and vacant lots that are present between the years 1970-1974. The quality of the image is poor, however it is possible to see that most of the lots are occupied with dwellings. Lots 557, 559, 561 and 554 are vacant.
- 19 In 1972 major stopbanks were constructed by the Canterbury Regional Council on the Opihi River system. These stopbanks were designed to handle a 50 year

flood event.<sup>1</sup> The location of the stopbank has been indicated on image 1. The stopbank runs in a west-east direction approximately 20m within the northern boundary of the Waipopo Land. It effectively splits the Waipopo Land, with other Māori land located on the northern side of the stop bank. The top of the stopbank is approximately 2m metres higher than the ground level of the huts. The remainder of the topography of the Waipopo Land is relatively flat.

#### 1975 – 1979

- 20     **Image 2** in Appendix A is an aerial image of the site, showing the dwellings and vacant lots that are present between the years 1975 - 1979. The quality of the image is clear enough to see the dwellings on the different lots and it can be seen that lots 554, 557, 559 and 561 are vacant.

#### 1980 – 1984

- 21     **Image 3** in Appendix A is an aerial image of the site, showing the dwellings and vacant lots that are present between the years 1980 - 1984. The quality of the image is slightly blurry, however the image is clear enough to see the dwellings on the different lots and it can be seen that lots 554, 557, 559 and 561 are vacant.

#### 1985 – 1989

- 22     **Image 4** in Appendix A shows an aerial image of the site, showing the dwellings and vacant lots that are present on the site between the years 1985 - 1989. The quality of the image is clear enough to see the dwellings on the different lots. There are now dwellings on the lots 554, 557, 559 and 561.

#### 1995 – 1999

- 23     **Image 5** in Appendix A shows an aerial image of the site, showing the dwellings that are present on the site between the years 1995 - 1999. The quality of the image is poor, however it is possible to see that there are dwellings on all of the lots within the site.

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<sup>1</sup>     *A Geomorphic Interpretation of the Orari-Waihi-Temuka- And Opihi River Floodplains*, Landcare Research Report No. U97/36, August 1997, p.13.

#### 2010 – 2014

- 24     **Image 6** in Appendix A shows an aerial image of the site, showing the dwellings that are present on the site between the years 2010 - 2014. The quality of the image is very clear and it is possible to see that there are dwellings on all of the lots on the Waipopo Land.

#### 2015 – 2019

- 25     **Image 7** in Appendix A shows an aerial image of the site, showing the dwellings that are present on the site between the years 2015 - 2019. The quality of the image is very clear and it is possible to see that there are dwellings on all of the lots on the Waipopo Land.

#### 2019 - 2025

- 26     **Image 8** in Appendix A shows an aerial image of the site, showing the dwellings that are present between the years 2019 - 2025. In this image you can see there are dwellings on all of the lots on the Waipopo Land. Since image 8 was taken, there have been some changes to the number of dwellings on the Waipopo Land. **Appendix B** indicates that there have been four dwellings removed since Image 8 was taken. The Trust has also cleared a lot of rubbish from different lots and removed some overgrown trees and vegetation.
- 27     In summary, the aerial images in **Appendix A** show there has been at least 55 years (1970 – 2025) of continuous occupation of the Waipopo Land apart from four lots that were vacant until 1985. In relation to those four vacant lots, the aerial images show these lots were continuously occupied for 40 years (1985 – 2025). In more recent years, some houses became a health hazard and were cleared by the Trust, with the intention to rebuild on these sites.

#### **Use of the site**

- 28     There are approximately 25 people living on the Waipopo Land, and all of these people live at Waipopo on a permanent basis.
- 29     There are 28 lots on the Waipopo Land, numbered 554 - 582. There are four lots where we wish to remove the house and rebuild with a modern eco house. There are four lots that are vacant and we wish to rebuild on all of these lots.

There are 20 lots where the homes are habitable, or with some renovations, will be habitable. The Map attached at **Appendix B** shows the current status of the different lots in relation to buildings to be retained, buildings to be removed and vacant sections.

- 30 Waipopo Land currently contains 4 derelict homes and 4 vacant sites where derelict homes have been removed. The condition of the existing derelict homes are so poor that it does not make sense for the Trust to attempt to repair them. I understand that flood hazard planning controls in the Proposed Plan will make it very difficult for the Waipopo Trust to secure resource consent to replace dwellings located in the high hazard area. This creates a significant issue for Waipopo Trust because it's vision for the Waipopo Land is that all the dwellings will be occupied to help re-establish the village that once occupied this land.

#### **SECTION 42A REPORT**

- 31 The Proposed Plan as notified made it non-complying for the Waipopo Trust to rebuild homes on our land that were under the High Hazard Overlay. The Trust submitted in opposition to this because there was several lots on the Waipopo Land under the High Hazard Overlay and the Proposed Plan makes it impossible to gain a resource consent to rebuild these homes.
- 32 My understanding of the s42A Report recommends changes to the notified Proposed Plan to allow for the rebuilding of homes on the Waipopo Land as a permitted activity, provided they meet the minimum floor level. If this cannot be achieved, the rule reverts to a restricted discretionary rule, where the matters of discretion allow for an alternative solution and allows the decision maker to take into the account the views of mana whenua.
- 33 I fully support this approach because it provides a good balance between allowing the Trust to maintain our connection with our land and aligns with our purpose and vision, while mitigating the flood risk to people dwelling on the Waipopo Land.
- 34 In discussing the different sections of the s42A Report, the approach I have taken is to only address matters relevant to my area of expertise and provide comment on those matters.

35 In section 7.2.9, Mr Willis recognises the history of the Waipopo Land, that it is intended for the Waipopo Land to be rezoned MPZ and that *“special care is required when developing and applying natural hazard provisions to these sites”*. I support this approach.

36 At section 7.2.10, Mr Willis notes that the CRPS Policy 11.3.1 requires an avoidance or mitigation approach to existing urban areas and in the situation for areas zoned MPZ, he recommends a new rule in high hazard areas that applies this mitigation approach to existing urban areas.

37 I support this approach, as the Waipopo Land has been occupied by Māori since 1300, with the images in Appendix A showing continuous occupation since 1970 of most of the Waipopo Land.

38 At section 7.2.11, Mr Willis proposes amendments to NH-R4 and NH-S1 to enable new homes to be built in urban zoned areas that are also in high hazard areas, provided that the minimum finished floor level is achieved. This is in response to submissions seeking development in these areas and was not provided for under the notified Proposed Plan.

39 I support this approach, because the Trust would like to rebuild on the Waipopo Land with small eco-houses, and these amendments allow that.

40 At section 7.2.12, Mr Willis recommends adding a matter of discretion to NH-R4, to reflect the views of mana whenua and the purpose of the MPZ.

41 The matter of discretion number 8 to the RDIS rule NH-R4 is as follows:

*8. for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.*

42 I support this approach, it recognises our role as kaitiaki of the Waipopo Land and the purpose of the MPZ Chapter to ensure a thriving Māori community.

43 At section 7.2.13, Mr Willis explains how the rule allowing for new dwellings in high hazard areas in existing urban areas would work in practice *“to be permitted ... would need to meet the minimum finished floor level provided*



*within a Flood Assessment Certificate. If they did not meet this minimum floor level then an RDIS activity pathway would be triggered."* He also notes that existing use rights would still apply to these sites.

- 44 I support this approach, this is an acceptable pathway for us. Robert Kerr, at paragraph 15 of his evidence, also shows supports for this approach. In addition, we do have existing use rights, but would prefer to have a clear consenting pathway in the Proposed Plan, which is why the Trust has engaged considerable resources in participating in this Plan review process.
- 45 At section 7.2.14, Mr Willis supports a different approach to the Waipopo Land from the South Rangitata and Milford Huts, on the basis that these other huts are within the Open Space Zone and is not a zone that is intended to be urban and because Waipopo was expressly set aside for Māori housing as part of Kemp's Deed in 1848.
- 46 I support this approach and the way the s42A Report distinguishes between these areas makes sense when considering the history of the Waipopo Land.

## **CONCLUSION**

- 47 In summary, I fully support the changes proposed by the s42A Report because it recognises the Waipopo Land as having been set aside as a Māori reserve since 1848 and the urban use of the site for a long time. The changes provide the Trust with a consenting pathway which enables us to carry out our purpose and vision for the Waipopo Land.
- 48 Thank you for the opportunity to present my evidence.

**Lisa Stevenson**

9 April 2025