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8 December 2023

9(2)(a)

Te Taumutu Rūnanga

Email: 9(2)(a)

9(2)(a)

Te Rūnanga o Ngāi Tahu

Email: 9(2)(a)

cc: 9(2)(a)

E ngā rangatira, tēnā koutou

Further to our conversation on Monday 4th December, this letter is to formally update you on the Department's proposed approach to the future of the Lower Selwyn Huts.

Thank you for sharing your experience and advice as you navigate the expiry of the leases at Greenpark Huts in 2024. Your insights are invaluable – particularly the holistic approach you are taking to manage the health, safety and wellbeing of both the residents and of your team.

We share your concern regarding the effects that climate change, sea and lake level rise will have around Te Waihora. Already, we have seen extreme rainfall events cause flooding and evacuation of the settlement in recent years. We are only too aware that similar events are predicted to become more frequent and more intense in the future.

In these circumstances, we have been considering the options for the 58 private huts located at the Lower Selwyn Huts (LSH) settlement on Greenpark Sands Conservation Area and Selwyn Wildlife Management Reserve. The current concessions are due to expire on 30th June 2024, and many of the concession holders have made it clear they wish to continue occupying the land and intend to apply for new concessions.

We anticipate receiving applications for new concessions, and in doing so, will need to consider on a case-by-case basis. We are very mindful that if the huts were to remain after 2024, there will need to be appropriate terms and conditions that respond to the environmental situation, and ensure consistency with the Conservation General Policy (i.e.: phasing out).

Policy 10(h) of the Conservation General Policy is that existing private accommodation will¹ be phased out and removed (unless retained by the Department for public use). Phasing out private accommodation is also consistent with the Department's national direction. There is, however, discretion to determine the best phase-out strategy locally.

¹ In the Conservation General Policy "will" has the following meaning "Policies where legislation provides no discretion for decision-making or a deliberate decision has been made by the Minister to direct decision-makers, state that a particular action or actions 'will' be undertaken.



As discussed, we are considering phase-out options that could include granting concessions for a final term of up to 10 years. The reason why we are considering this period is because this requires an extensive amount of work. We are dealing with nearly double the number of huts compared to Greenpark Sands, and we have not yet initiated the difficult conversations with the hut owners on the finality of their occupation. If we were to go for a shorter timeframe, the planning and resourcing to do this well will completely consume our rangers.

We also acknowledge that in 1984, the wastewater and sewerage infrastructure was upgraded by the community and is contained above ground. That upgrade means that, during flooding, there is less risk of contaminants being released into Te Waihora than is the case at other settlements around the lake.

We are also aware there are likely to be some vulnerable members of the community who live in or use the huts. We are mindful that some members of the community may need time to find new homes and access relevant social services if needed. A longer phase-out period would balance residents' need for time to make alternative arrangements and work through the logistics of removing their hut from the land.

While considering a longer phase-out period for Lower Selwyn Huts, we have no doubt that the settlement is not sustainable in the long-term. We support your approach to the Greenpark Huts and in no way seek to undermine that approach.

We are very conscious of how vulnerable the area is to flooding and intend to ensure that anyone who applies for a new concession must acknowledge and accept the risks. If concessions are granted, they will include specific conditions relating to this risk.

In addition to the term, the following matters will be considered:

- Where applicants cannot demonstrate an ability to comply with the proposed concession, their application will be declined. Failure to comply with a concession during its term will be addressed appropriately.
- Prohibition on transferring, assigning or subletting the concession area. This means the huts cannot be sold because no other person could benefit from the rights authorised under the concession.
- Termination of the concession if concessionaire dies.
- Prohibition on any works to extend or upgrade the structures authorised under the concession (but necessary maintenance would be allowed). We will need to work with the Selwyn District Council on this to ensure it notifies the Department of any application for building consents.
- Fees will need to cover the management and monitoring of the concessions.
- Where concessionaires fail to comply with essential terms, termination of the concession and removal of the huts will be considered. Two huts have been removed in recent years under such circumstances.
- Under the previous concessions, the arrangement for the settlement was that only three (3) of the huts could be permanently occupied. However, it was not clear which huts qualified for permanent occupation. The situation regarding limits on permanent occupation will be clarified in respect of every new concession granted.

We intend to meet with a small group of the LSH Residents' Association in the week before Christmas to discuss the proposed approach and understand the potential implications of it. If



you have any further comments in addition to what you provided on Monday, please e-mail Janine Sidery (jsidery@doc.govt.nz) by the end of next week (Friday 15th December 2023).

We will ensure that our proposed communications with the residents are shared in advance with you and the Te Rūnanga o Ngāi Tahu communications team so that we are not working at cross-purposes. We will also update you on any meetings with residents as we work through this matter.

9(2)(a) as discussed, if at any time you or your rūnanga representative wish to be involved in any conversations with the residents, please do not hesitate to let us know.

Thank you again for your time.

Nāku noa, nā

Jo Macpherson
Director Operations, Eastern South Island
Department of Conservation *Te Papa Atawhai*

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