



# **UPPER SELWYN HUTS FUTURE DEED OF LICENCE**

**SUBMISSION BOOKLET: 2**

**SUBMISSIONS NUMBERED: 101 – 211**

**Booklet prepared: 29 July 2025**

*Note: The following written submissions are unedited and unchanged. They may include errors or offensive information. They are the opinion of the submitter and the Council takes no responsibility for them. Where a submission or part of a submission constitutes hate speech, or otherwise is in breach of law, the submission has been omitted or redacted in this public version. All contact details have been removed.*





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## Submitter Number: 101

**Full Name:** Patrick Lagrosse

**Organisation:**

**Wish to speak to the submission:** No

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By Post 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH).

### Privacy statement

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If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Patrick

Last name\* Lagrosce

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

My elderly sister lives there

☐ Other: there



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I do believe that a 30 year renewable term for the residents

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

This little settlement has been part of our family for over 20 years. My sister's health has suffered because of this. She has always kept her home wonderfully kept & maintained to a high standard. I cannot understand why these residents of the Upper Selwyn Huts have to go. Please be compassionate & make things right for the lovely wee settlement. "No one should be homeless"

10 | Upper Selwyn Huts | Consultation Document

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

My sister has never had to evacuate

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

the residents should have access to the same warning systems like any other Selwyn rate payer.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Why is a bond required now after all these years? No other ratepayer in the district has to.

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

How much is my concern, my sister is on a pension & finds it tough now

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

Only when a complaint has been made

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

other properties in the Selwyn District are not subject to this.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:



## Submitter Number: 102

**Full Name:** Maureen Flattery

**Organisation:**

**Wish to speak to the submission:** No

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Lengths Library 18/7

## Submission form

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Mawreen


Last name\* Flattery

Address 

Town\*

Postcode

Contact

Email address 

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

I know a few hut owners

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

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☒ Fixed term of 5 years  
No renewal.

☒ A single fixed term of 30 years  
No renewal.

☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

30 years with the  
right to renew

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Doyleston floods a lot  
and still new homes are  
being built there.  
Maybe the council should  
get rid of Doyleston homes

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

There are plenty of roads  
that have water on them  
after big rain events are you shutting  
them all down?

Are there any additional events that you think should be considered?

☒ Yes ☐ No

Please add your comments:

Treat every rate payer the  
same.  
Stop picking on a small community  
No reason to kick these people  
out. There's already enough  
homeless people around

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

They need to clean out All the creeks & ditches more often. Not after.  
Leeston & Doyleston have flooded because the drains haven't been cleaned out.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Why should the Hut owners pay to remove their homes? They need to live in them

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Does Doyleston Home owner have to pay a bond?  
The council have a loud new homes to be built over the river from the Selwyn huts. Are they going to leave their homes or do they have to pay a bond?  
I have seen Selwynlake rd 6 under water a few times

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

Treat all rate payers the same

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

give people the time to do repairs

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 103

**Full Name:** Eunice McLintock

**Organisation:**

**Wish to speak to the submission:** No

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Leeson Long 18/7

## Submission form

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* ELINICE

Last name\* MC LINTOCK

Address\*

Town\*

Postcode\*

Contact\*

Email address\*

Are you submitting on behalf of an organisation?

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

FAMILY OWNED HOME

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

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No renewal.
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No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I DON'T BELIEVE YOU HAVE EVER GIVEN A FAIR & FACT BASED REASON WHY THE HOMES HAVE TO GO.

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

THIS SETTLEMENT HAS EXISTED FOR 130 YEARS, (MORE THAN ANY OF YOU) AND HAS NEVER HAD ANY IMPACT ON IT SURROUNDINGS OR NEIGHBOUR.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 1. Flooding affecting access:

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

1 & 2. IF 3 WERE TO HAPPEN THEN THAT IS THE TIME TO DISCUSS WHAT SHOULD HAPPEN.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

THE FIRST 2 THINGS ARE  
YOUR RESPONSIBILITY TO MAINTAIN  
ACCESS AND REPAIR DAMAGE.  
THE 3RD EVENT IS AN ACT OF GOD,  
OR BAD MANAGEMENT OF RIVERS,  
DITCHES, CREEKS ETC, AND WOULD  
THEN BE THE TIME TO DISCUSS  
THE NEXT STEP.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

HOW MUCH FOR HOW LONG, WHAT SORT  
OF REMEDIATION WORK? YOU HAVE  
ALREADY TOLD RESIDENTS THAT THEY MUST  
REMOVE THEIR HOMES AT THEIR COST AND LEAVE  
THE LOT CLEARED. DO YOU HAVE PHOTOS OF  
WHAT IT LOOKED LIKE BEFORE HABITATION?  
Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

DO YOU CHARGE OTHER RATEPAYERS  
A BOND? WHY SHOULD YOU HAVE THEIR  
MONEY IN YOUR BANK?

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

SDC ONLY MANAGES THIS RESERVE,  
YOU DO NOT MANAGE THE BUILDINGS  
YOU HAVE NO RIGHT TO ENTER THEIR  
HOUSES WITHOUT PERMISSION OR GOOD  
CAUSE.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

THERE IS NO NEED FOR ANY OF  
THIS SUBMISSION FORM, OTHER THAN  
THE "SERIOUS HARM" FROM FLOODING  
WHICH WOULD BE DEALT WITH AT THE TIME

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

NONE NEEDED IF THE "LOT" IS  
SAFE.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

NO



## Submitter Number: 104

**Full Name:** Samantha Boyd

**Organisation:**

**Wish to speak to the submission:** No

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Upper Selwyn 18/7

## Submission form

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First name\* Samantha

Last name\* Boyd

Address\* 

Town\*

Postcode\*

Contact\*

Email\*

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Huts
- ☒ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

It's hard to let them stay  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

Where else can they go  
These are their homes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

Not sure floods and has to leave  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Keep them informed and help  
with things like road

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

never - as we are able to

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

just like other employers

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

All of it. None of these things are needed.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

information and time to fix

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 105

**Full Name:** Shane Lloyd-Jones

**Organisation:**

**Wish to speak to the submission:** No

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Leeds Library 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](http://selwyn.govt.nz/USH) before completing your submission.

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Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

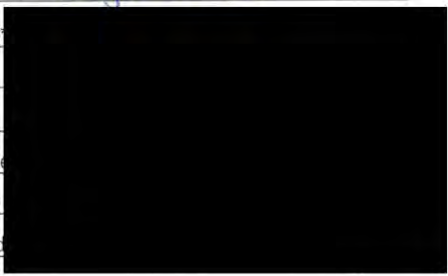
All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Shane

Last name\* Lloyd-Jones

Address\* 

Town\*

Postcode\*

Contact\*

Email address\*

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☒ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

let them stay and only  
leave if things change

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

we have flooding in  
Waikuku and don't  
have to leave

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

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### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

stupid idea The red zones  
were cleared up by  
Council

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

no one would check  
my place unless a  
complaint.

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

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If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

if illegal, then time to  
fix.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

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## Submitter Number: 106

**Full Name:** Richard Frost

**Organisation:**

**Wish to speak to the submission:** No

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Leeds Library 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.


All submissions will be considered by Council before making a decision.


### Submitter details


Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.


First name\* Richard


Last name\* Frost

Address\* 

Town\* 

Postcode\* 

Contact\* 

Email address\* 

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☒ Other: Was a greenpark hut owner

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

30 years with the right to renew

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

plenty of places flooded in the last big event  
Are you making all the flooded areas pack up & move?  
New homes in doyleston flooded

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

Some roads flood a lot but the council still give out building consents for new homes to be built

Are there any additional events that you think should be considered?

☐ Yes ☐ No

Please add your comments:

Treat all of Selwyn rate payers the same  
These huts have been there longer than most homes around.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Cancel needs to keep up with cleaning ditches, drains & making sure the water has somewhere to go. Not just at the huts. Everywhere around Selwyn

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Who else pays a bond?

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Treat all home owners the same.  
Stop trying to make people homeless

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

Council have let these huts be bought & sold over the years and have been charging rates.

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

Council needs to change their bad attitude.  
Work with us rate payers not against

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Communication to be positive  
Help & Time.  
Some people don't have any money for repairs

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Remember these huts have stayed up for a hundred years or more

## Submitter Number: 107

**Full Name:** Marie Cuff

**Organisation:**

**Wish to speak to the submission:** No

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Leasha Libang 18/7/25

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Hubs.

Feedback from the consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Hubs settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](http://selwyn.govt.nz/USH) before completing your submission.

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If you need extra space for your submission, or have supporting documents, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

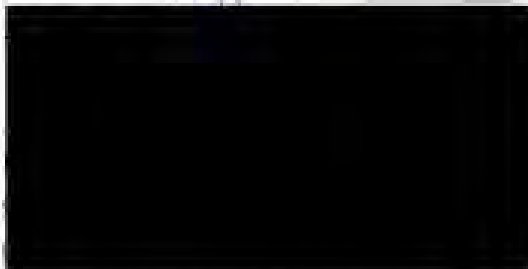
All submissions will be considered by Council before making a decision.

### Submitter details

Please note all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about the consultation.

First name\* Leasha

Last name\* Libang



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Hubs?

- ☐ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Hubs.
- ☒ I have an interest in the land. Please explain

Upper Selwyn

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☒ Fixed term of 5 years  
No renewal.

☒ A single fixed term of 30 years  
No renewal.

☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Why do they need any  
finite time?

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

The settlement has been there  
for 130 years, why does it  
have to go now?

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

The first 2.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

\_\_\_\_\_

\_\_\_\_\_

Do the same as you do for  
Hugate else in Selwyn

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

\_\_\_\_\_

ITS Their money and should  
be in their Bank to pay for  
remedial when needed.

\_\_\_\_\_

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☒ Other

Please add your comments:

\_\_\_\_\_

Like anyone else

\_\_\_\_\_

\_\_\_\_\_

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

\_\_\_\_\_

the term

the bond

the inspection

the cut off road, road damage

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Submitter Number: 108

**Full Name:** Ian McRae

**Organisation:**

**Wish to speak to the submission:** No

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Leiston Library 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Jon M'Pae

Last name\* M'Pae

Address

Town\*

Postcode

Contact

Email address

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

Visitor

☐ Other:

## Questions

### 1. Licence term options

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- ☒ Fixed term of 5 years  
No renewal.
- ☒ A single fixed term of 30 years  
No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

30 year term with the  
right of renewal.

Do you have any other feedback?

☐ Yes ☒ No

Please add your comments:

### 2. Environmental events for early licence end

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Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

The only one that makes  
sense is No 3.

The red happen all over the  
country and no one moves out.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Follow the policies they  
already have in place  
for everywhere else.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

It should not even be  
considered

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

Test all rate payers in  
the same way

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

They are all pointless

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

The same policies they use  
already

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 109

**Full Name:** John Warwood

**Organisation:**

**Wish to speak to the submission:** No

---



Leesha Leung 1817

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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Please include your first and last name on the additional paper.

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All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* JOHN

Last name\* WARWOOD

Address

Town

Postcode

Contact

Email

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

RATE PAVER

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☒ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

30 YEARS WITH RIGHT  
OFF RENEW RENEWAL.

ITS THE ONLY REASONABLE  
COUSE TO TAKE BEING  
FAIR.

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

RESIDENTS SHOULD HAVE  
RIGHTS FULL STOP

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

HAVING LIVED IN THE AREA  
FOR 30 YEARS I HAVE HAD MY  
SHARES OF FLOODS. STOP MAKING PEOPLE  
DO THINGS THAT HAVE BEEN THE STATUS  
Are there any additional events that you think should be considered? FOR A 100 YEAR OR SO.

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

DO WHATS NEEDED FOR  
US RATE Payers WHEN YOU  
NEED TO AS YOU HAVE BEEN  
ELECTED TO DO

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

HIS NOT BEEN DONE ON ANY  
OTHER RATE Payers IN THE  
PAST. OUR PATES ARE SUPPOSE TO  
COVER ANY COSTS.

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

NOT RELEBANT

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 110

**Full Name:** Karen Ward

**Organisation:**

**Wish to speak to the submission:** No

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Loosha Library 18/7

## Submission form

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All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Karen Ward.

Last name\* Ward.

Address\* [Redacted]

Town\* [Redacted]

Postcode [Redacted]

Contact [Redacted]

Email address [Redacted]

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

Ratepayer resident to Selwyn

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☒ Fixed term of 5 years  
No renewal.
- ☒ A single fixed term of 30 years  
No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

30 yrs with right  
of renewal  
  
it is the only fair  
outcome

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

This has all been  
so underhanded where  
is the peoples  
democratic rights

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

happens, + is still  
happening over the  
country they are not going  
through all this b.s.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Should be done  
in an open forum  
enough of what has  
been happening

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

haven't heard of any  
where else or anyone  
else that has had to  
do this

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Not relevant

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:



## Submitter Number: 111

**Full Name:** Karym Wanhalla

**Organisation:**

**Wish to speak to the submission:** No

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Leish Library 18/7

## Submission form

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Please include your first and last name on the additional paper.

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All submissions will be considered by Council before making a decision.


### Submitter details


*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*


First name\* Kalym


Last name\* Wanhalid

Address\* 

Town\* 

Postcode\* 

Contact details\* 

Email\* 

Are you currently a resident of Upper Selwyn Huts?

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☒ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

There is no reason to  
have to license.

Do you have any other feedback?

☐ Yes ☒ No

Please add your comments:

### 2. Environmental events for early licence end

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Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

lots of people have  
flooding

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

help them

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

no Bond.

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

not like other rate payers

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

plenty of time

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 112

**Full Name:** Cassandra Lloyd-Jones

**Organisation:**

**Wish to speak to the submission:** No

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Leeshan Library R/7

## Submission form

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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Cassandra

Last name\* Lloyd Jones

Address\* 

Town\*

Postcode\*

Contact\*

Email\*

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Huts
- ☒ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

What are your reasons?

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Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

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### 2. Environmental events for early licence end

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#### 2. Destruction of road cutting off vehicle access:

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#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

All

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Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

a flood would be the only reason.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

the money should stay in the bank

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

written discussion + time to repair

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 113

**Full Name:** Marissa Wanhalla

**Organisation:**

**Wish to speak to the submission:** No

---

Leads - Library 18/7

## Submission form

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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Marissa

Last name\* Wanhalan

Address

Town\*

Postcode

Contact

Email address

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Huts
- ☒ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

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No renewal.
- ☒ A single fixed term of 30 years  
No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

These are their homes.  
Id them stay or buy them  
out

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

---

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

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Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

At hut no 3

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

how to help them  
stay in their homes

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

they shouldn't have to pay any  
money

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

all except the complaint one

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

plenty

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

with respect and suggestions on  
how to fix



## Submitter Number: 114

**Full Name:** David Shane Wanhalla

**Organisation:**

**Wish to speak to the submission:** No

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Leeshan Library 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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Please include your first and last name on the additional paper.

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All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* David Shane

Last name\* Wanbulla

Address

Town

Postcode

Contact

Email

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Huts
- ☒ I have an interest in this area. Please explain:

Friends

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☒ Fixed term of 5 years  
No renewal.

☒ A single fixed term of 30 years  
No renewal.

☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

No need for a time limit.

Do you have any other feedback?

☐ Yes ☒ No

Please add your comments:

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

1 + 2

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

help, support, assist

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

hasn't been required for 130 years. Why now?

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

I don't know anyone else that has to pay a bond on their property

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

like any other home owner

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

all of it

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

everything possible

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

respectfully and with time to repair

## Submitter Number: 115

**Full Name:** Lorraine McRae

**Organisation:**

**Wish to speak to the submission:** No

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Leeds Library 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Lorraine

Last name\* McRae

Address

Town\*

Postcode

Contact

Email address

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

I have stayed many times

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☒ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Don't see a need for a  
time limit.

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

We have been flooded  
in Leeson but have none  
of these conditions

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

only a serious flood would  
be a reason and same  
as any other council would  
do. Help them, not use  
it to kick them out.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

IT should never apply.  
I don't know anyone that  
has to pay a bond on  
their home.

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

same rules as everyone  
else

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Council has a process for  
this I'm sure, use it.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 116

**Full Name:** Denise Carlisle

**Organisation:**

**Wish to speak to the submission:** No

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By Post 18/7

## Submission form

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Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Denise

Last name\* Carlisle

Address\* [Redacted]

Town\* [Redacted]

Postcode\* [Redacted]

Contact\* [Redacted]

Email address\* [Redacted]

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

My daughter & sister  
used to live there

☐ Other: [Redacted]





## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I believe the residents should be able to stay in their home for 30 years with right of renewal

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Homeowners need security. The council has elected to do the folk in the region. Should take this opportunity to do the right thing. I spent many holidays out there with my daughter and grandchildren, creating so many precious memories, and they were always safe. My sister's health has suffered, due to the uncertainty, has had to come to the city for a break from the situation

10 | Upper Selwyn Huts | Consultation Document

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

This settlement has never flooded, nor has the Selwyn river breached its banks by the huts

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

We would expect the Selwyn huts folk to have access to the same warning systems provided to any other SPC rate payer

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

What if the bond paid is more than the remediation? A bond has never been required. Why now?

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

I'm not aware of any other public or private building on lease hold land in NZ are required to pay such a bond?

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

If there is a serious issue or complaint raised  
\* No APPENDIX A checklist on this form.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

other properties within the SPC do not have to be subject to such inspections

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

individual circumstances can be different.  
Sickness, absence to the property.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

I think care & assistance may be required.  
leniency in cases may be necessary.



## Submitter Number: 117

**Full Name:** Allan Flynn

**Organisation:**

**Wish to speak to the submission:** No

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18/7 By Post

## Submission form

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Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

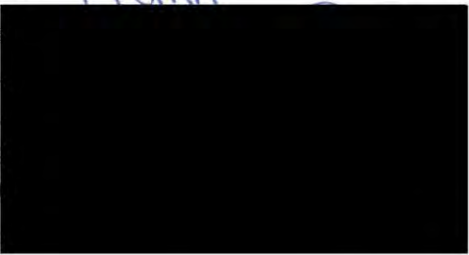
All submissions will be considered by Council before making a decision.

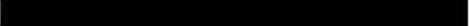
### Submitter details

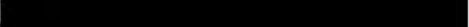
Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

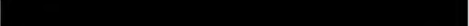
First name\* Colin


Last name\* FLANN

Address\* 

Town\* 

Postcode\* 

Contact\* 

Email\* 

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

My friend resides there

☐ Other: \_\_\_\_\_





## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Residents seek a licence term of 30 years with the rights of renewal for further terms of 30 years subject to environmental triggers. (specific triggers to be agreed.)

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

The council's role is to protect & preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purposes.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

As identified by the Council's own Jacobs report, environmental triggers require more scientific investigation.

Are there any additional events that you think should be considered?

☐ Yes ☐ No

Please add your comments:

The settlement has never flooded, nor has it breached its bank to the USH.





If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

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### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

How much would this bond be? over what period & what does this cover. The residents have paid rates for years. So why?

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Hasn't been required for 130 years. Why now.

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☐ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Unless a complaint has been made, they should be treated the same as the rest of the district.

Do you think the checklist covers the right things?

☐ Yes ☐ No ☐ Not sure

Please specify what you would change:

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If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

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Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

This should NOT be a reason to terminate a licence. No one should be made homeless, given the current housing shortage.



## Submitter Number: 118

**Full Name:** Shane Curragh

**Organisation:**

**Wish to speak to the submission:** No

---

Leeson 4 Aug 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH).

### Privacy statement

Submissions are part of the public consultation process and are a public record. Anonymous submissions will not be accepted. Submissions including names are published on our website and in official documents so please do not include any personal information in the content of your submission you would prefer to be kept private.

While contact details (address, phone number and email address) are provided to elected members along with your feedback to be considered when making their decisions, contact details will not be made publicly available on the Council's website or official documentation.

If someone requests a copy of submissions through the Local Government Official Information and Meetings Act 1987, name and contact details must be supplied. If you have good reason as to why your personal details and/or feedback should be kept confidential please contact [huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz) outlining your reasons.

If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\*

SHANE

Last name\*

CURRAGH

Address\*

Town\*

Postcode\*

Contact\*

Email\*

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Huts
- ☒ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☒ A single fixed term of 30 years  
No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

THESE ARE THEIR HOMES  
THEY SHOULDN'T HAVE TO  
GO.

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

1 + 2

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

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### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

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Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

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Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

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If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

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Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

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## Submitter Number: 119

**Full Name:** Ken Perry

**Organisation:**

**Wish to speak to the submission:** No

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**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

There was no option to leave a box unchecked - my preferred term for my Licence is 30 years with the ability to renew subject to triggers as our Barrister has suggested. This is my home and you should not be talking about making me and everyone else homeless. You haven't told us the reason for this - you have said different reasons since you started trying to get rid of us - the reasons keep changing. Why do you want us gone?

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**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments**

It says in the Reserves Act that a Licence can be renewed so why are you saying it can't be?

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Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

Civil Defence let us know if the flooding will be serious and we leave so how does it matter if the road is cut off? If Civil Defence didn't tell us and we were cut off, we have people here with four-wheel drives and neighbours with tractors who could get someone out if there was an emergency for that person.

If the road was badly damaged we do not believe the SDC wouldn't fix it. The road is access to the Lake, the Lower Huts, the Ngai Tahu farmhouse, the Selwyn Huts and there are a number of farms nearby - all of these people would need to be able to use the road.

A serious flood causing harm - that would be up for discussion if that happened. You do not evict others who have been flooded. The houses opposite us have been flooded, houses around Coes Ford have been flooded and also in Doyleston - they are allowed to continue living in those areas.

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**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

You paid experts to look at this and they said that we have no bigger risk of flooding than anywhere else in the district. They also said that more work needs to be done on the triggers. Why do you pay these experts and then not listen to them? I see whenever there is heavy rain a risk of the river carrying a lot of water, the Mayor seems to mention the Selwyn Huts quite early on before the Council knows for sure if there is going to be a problem for us. In the last heavy rain situation, he was saying we were evacuating in the morning when the river was low - in fact there was no need for us to go but it seems he wants to paint a negative picture to support the Council trying to remove us.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Talk with the community and make sure you treat us the same as you would another community

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

In all the time we have been here you have never wanted us to pay this before. Why now?

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**Please add your comments:**

Don't include a bind

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised  
Other

---

**Please add your comments:**

You may be like a landlord of our sections but we own our own homes. You probably have the right to check the land but as far as I can find out, you can't inspect a privately owned home unless a complaint has been made about it.

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

No inspection of the houses either external or internal without cause.

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

If there was a problem with the section then clear communication about what was wrong and a reasonable amount of time to fix it.

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

only inspect the land and as I already said - allow reasonable time to fix a problem

20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May September 2025 – process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

*Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”*

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act—these licences are ~~granted under the~~ Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the **ROLD Act**). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)



reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. **There is no limit on term under that Act.**

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, **which also focus on the community**.
- (iv) **The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).**
- (v) **When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977.****
- (vi) **In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.**

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> **A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.**

<sup>3</sup> **It varies depending on lease types and the specific activity proposed.**

<sup>4</sup> **Section 168 ROLD Act and Section 61 Reserves Act 1977**

<sup>5</sup> **In accordance with the ROLD Act, Council can only grant a licence, not a lease.**

<sup>6</sup> **A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.**

<sup>7</sup> **Section 3 and 10 Local Government Act 2002.**

<sup>8</sup> **Being a New Zealand community, as set out in section 3 Local Government Act 2002**

<sup>9</sup> **Section 10(1)(a) Local Government Act 2002**

- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as “significant”, as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

##### ***Under what Act is the power to grant a lease or licence?***

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to “the Commissioner”, this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opuia Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted “The power to grant licences is more constrained than the leasing power.” At [97].

7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding** mine):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act



appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.

13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

***What term can be granted?***

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.

15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.

16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:

- (i) the overarching purpose of the Reserves Act;
- (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
- (iii) lease and licence terms available for various reserve types under the Reserves Act.

17. Under the Reserves Act, the following terms can be granted:

- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)

- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act so it. ~~Guidance under the Reserves Act indicates~~ Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:  
  
*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:
- On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:

"The consultation asks the following two questions:

- (i) *Please select your preferred licence term from the options below*
  - o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?*

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29

*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
- (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
- (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

### **(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

(iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994

(iv) Schedule: **Permanent licences** terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
  - (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rārangī Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.



49. The functions of administering bodies include<sup>50</sup> to **ensure** the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.



- (vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;
- (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>;
- (viii) Given the reserve purpose is “hut settlement”, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as “significant”, as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.

## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

(1) The administering body of a local purpose reserve may, in the exercise of its functions under [section 40](#), do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.

(2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the [Public Bodies Leases Act 1969](#).

(2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
- (b) farming, grazing, cultivation, cropping, or other like purposes.

(2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:

- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
- (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

(3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (**UOA**), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

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<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

## Submitter Number: 120

**Full Name:** Paul Lindsay

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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**What is your interest in the area?**

I live in Selwyn and see the Selwyn Huts and the owners/tenants as an established long term part of our community. They are not hurting anyone except a Selwyn District Council agenda from what I can see.

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

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**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

Where is the fourth option that allows them to go past 30 years on 30 year review periods?

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

All of the above as all above are restrictive, subjective and can be abused by the Selwyn District Council to meet their own agenda. If you can apply this to one small Selwyn Community, then your moral compass would suggest you could try other small communities like Kirwee.

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

1. Flooding effects being constrained to two events is confrontational. Selwyn huts pay rates and therefore deserve the same treatments as Selwyn councillors.

2. Road closures are a natural event and if it was a councillors street in say Bangor Road, Darfield, would the councillor not demand the road be reinstated as a ratepayer? Anything else would be regarded as discriminatory. Selwyn huts pay rates and therefore deserve the same treatments as Selwyn councillors.

3. Is just absolute cop out and shows how morally corrupt SDC is when using this as an excuse to evict.

---



**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Treat them as rate paying members of the Selwyn community, employers of you the council and treat them no different to any other ratepayer.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

No

Please add your comments

---

**Please add your comments:**

The bond should be paid into an independent trust or tribunal that cannot be influenced by SDC, much like the Tenancy Tribunal. Guidelines should be established by both parties, for the bond that both parties have to adhere too. Preparation of the documents should be paid for by the Council since they are pushing for this provision. This sets out the operating framework for both licensor and licensee.

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Initial notification of non compliances and a declaration from the SDC advising the owner that they have say 90 days to consult with an independent engineer or registered builder to confirm or provide a pathway for objection to an impartial body. After dealing with SDC I wouldn't trust them.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Refer above.

## Submitter Number: 121

**Full Name:** Colin McCulloch

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

I am 69 years old and on a pension. My hut is my home and only asset. If we are granted a lease of thirty years, that would be sufficient for the rest of my lifetime. If on the other hand, the lease is shorter, a significant number of people are going to be made homeless at a time of their lives when they cannot afford to buy or rent anywhere else. This is not only unjust, but makes no economic sense. A government agency will have to pick up the pieces, thereby costing the taxpayer.

This settlement has been in existence for over a hundred years. To close it down without decent notice and without regard for the Welfare of the residents is to act in a manner completely at odds with the purpose of a council, whose primary purpose is to serve its constituents.

---

**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

The inspections on the huts should not be onerous. Stormwater drainage, sewerage connections, and issues pertaining to the land should be the focus. Failure to issue a license due to some technicalities that would not raise concerns in freehold properties is simply a form of discrimination.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

I see no reason why two road closures in a 12 month period should mandate 100 families be removed from their homes. This is draconian, excessive, and obviously slanted to allow the council to remove the settlement. When the stop bank overflows, the water runs a few inches deep over the road and drains into the lake behind the huts. It clears in a day or two. This is no excuse to close a community.

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

It would be far cheaper for the council, instead of spending hundreds of thousands on this issue, to reinforce the stop bank. If the lifestyles of some huts residents cause the council concern, perhaps collaboration with social welfare agencies would help. To give one concrete example, if there are issues with unwarranted vehicles and unlicensed drivers, a bus service would make a huge difference.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

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Alternative solutions to eviction.

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

I don't think the bond should be required at all. To introduce a bond now is like rewriting a contract after it has been signed. I would not have purchased my property had I known this was a likelihood. The council is the body forcing people out. I do not see why the evicted should have to pay for the privilege of losing their homes.

---

**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---



**Please add your comments:**

People will look after their homes if they are allowed to. Excessive government interference and regulation makes owners too terrified to do the repairs necessary.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

Restrict the checklist to the land and the drainage.

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Consultation and assistance, not draconian rules.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Gently

## Submitter Number: 122

**Full Name:** Cynthia King

**Organisation:**

**Wish to speak to the submission:** Yes

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**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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**What is your interest in the area?**

I live in the broader area and know residents of Selwyn Huts.

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

The term should not be fixed. Perhaps 100 years then rolled over and renewed would be a more suitable option. I wonder why the option of long term with renewal was not offered? This is a historical settlement so should be preserved, not demolished.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental

events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

1. This is a ridiculous condition, as there are many roads in Selwyn that regularly get cut off by flood waters for more than 24 hours. Residents who live in houses along those roads are not in danger of having their homes removed from them. How absurd to make that a condition.
2. Roads should be maintained to a reasonable condition so as to withstand short term periods being awash.
3. This is highly unlikely given that residents actively monitor water levels, (we aren't talking tsunamis here.) Residents have plenty of time to plan and evacuate if necessary.

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

Yes, the "trauma event" being inflicted on residents by the Selwyn District Council by its prolonged action to remove Selwyn Hut residents by underhanded means.

The council has kept changing the "goal posts" for the residents. First it was threat to evict the residents due to an inadequate sewerage system which was subsequently satisfactorily upgraded, then it was the future danger of rising sea-levels according to the current RCP 8.5 factor which has been disproven by consultants and shown to be a

non-issue. Now the SDC puts out a rigged submission document so that it can be seen to be checking all the right boxes for "community consultation".

Also, I think it reprehensible that the SDC is weaponising the "Press", namely the Selwyn Times to promote propaganda against the Selwyn Huts residents.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Treat the Selwyn Huts the same way that other communities are treated without prejudice. ie offer assistance, continue to repair and maintain services

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

As the property could be in place for a hundred years or more, seems an odd idea.

Actually, seems like another revenue spinner to me.

---

**Please add your comments:**

The council is the administrator not the lessor. I think it is overstepping its mandate here.

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

---

**Please add your comments:**

Never, only in the case where multiple complaints have been received, as in the case of hoarding perhaps. Not required otherwise. I have never required a WOF on my house. Why is it a condition for these house owners?

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

Not necessary. I don't know of anyone in any other district who have their privacy violated by having house inspections, photographs kept on file of their houses and gardens. It isn't right.

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Not applicable, Inspections are a violation of the residents rights.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

No, the council is not the lessor of the properties and therefore have no right to conduct inspections.



## Submitter Number: 123

**Full Name:** Ross Thomson

**Organisation:**

**Wish to speak to the submission:** No

---

### **What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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### **What is your interest in the area?**

I am a 3rd generation of hut owners, Both of my parents are license holders at the Upper Selwyn huts each with separate properties previously owned by their parents one located on Billens Avenue and one located on Spackman Avenue the latter my mothers current home, this is her everything her piece of paradise.

Both my sister and myself stand to inherit these properties and wish to continue the legacy for our family's and the next generations.

I spent my childhood growing up at the huts playing with friend's riding bikes fishing and game bird hunting in line with the reason the huts were developed.

we made friend's knew family's and supported each other, many of the connections forged back then are still strong to this day.

I still spend as much time there as possible with family and friend's sharing the place that we call home, as my parents age it has been my desire that these properties will remain in the family for future generations to enjoy, I myself had visions of retiring at the Upper Selwyn huts when my time came.

a place of peace, calm and fond memories.

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

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**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

The Selwyn District Council has not given any valid reason that justifies a non-renewable license, in turn I find none of the above options acceptable.

All independent evidence and reports, including Jacobs Consultancy, have not supported a non-renewable licence.

We seek a licence term of 30 years with the rights of renewal for further terms of 30 years.

As the Council issue License's under the ROLD Act and there is no time limit in this Act. The Reserves Act provides for leases and licence's to be issued for terms of up to 33 years  
with or without a right of renewal

The council have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut

settlement purposes. Other legal obligations also include protecting its historic values; recognizing the community's diversity; and promoting

the social, economic and cultural well-being of its community, both now and into the future.

at a time where people need stability and a place to call home in the face of rising costs and limited property availability why would you not give them the peace of mind that they have somewhere safe to exist.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

The above triggers are to me, unsuitable, suggesting that the USH settlement is frequently affected by floodwaters.

This has **NEVER** happened in my 44 years of belonging to the community. even in my father's **73** years at the USH. I have seen many "flood" events and the huts remain unaffected

1, We do not consider access being cut off for 24 hours a valid reason to warrant retreat.

We would like to be treated the same as if access to any other area of Selwyn is cut off.

2, USH are not the only users of Days Road. This road should be maintained as the main access to the lake. Users include but not limited to Search and rescue, USH, LSH, the farmhouse, DOC, ECAN and users of the boat ramp to the lake. Destruction of this road is not a reason for USH to be permanently retreated.

The Council has a responsibility of maintaining this road and this should not affect USH's license to occupy.

I reference the following also

Jacob's report 7/3/25 concluded:

- i. "a triggers-based approach is not recommended at this stage."
- ii. "The risk to USH from flooding is no greater than a lot of other areas in the district. The increase in risk is slow over the next 50 years."
- iii. "The available climate change and flooding information does not seem to support the need to retreat in the next 15-30 years".
- iv. "Environment triggers and thresholds require more scientific investigation and clear explanation and rationale for the community".

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

Any additional event will be unknown at this stage as there may be discussions or agreements between party's/people outside the knowledge of the USH community.

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

I do not foresee any of these issues happening to a level the council are assuming, the council has a duty of care to repair infrastructure and keeping community's safe and accessible.

As per the Selwyn District Councils' own remit, their priority is the safety and wellbeing of the community. Therefore, the council would be required to find permanent, suitable accommodation for the entire community should they become displaced due to the area becoming unsafe to live in or too expensive to maintain.

The Hurunui District Council have been proactive in this area, securing land for at risk residents to have access to if the time comes and they need to relocate due to environmental reasons they have a place available and the opportunity to invest in a future supported by their council.

If there was a significant event requiring the community to relocate, a community led decision on anything that affects us, including collaboration with and

empowerment of our community, as we did for 116 years pre 2011 before the Council took over from the Committee.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

Where possible homes may be relocated, reducing the burden on the owners and the council of demolition. this should be an option for those with property's that are on pile type foundations.

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**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

upon signing the 30 year renewable lease

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**Please add your comments:**

My mother's home was issued a Code Compliance Certificate 5/02/13. No other building work has taken place since this date.



There are rental properties within our USH community with tenants who are renting substandard properties, The properties do not meet healthy homes standards as required by law I believe this needs to be addressed.

Unfortunately to the detriment of our USH community, several property speculators have found our settlement, buying and renting out multiple substandard properties.

Building inspections should be carried out to give the Selwyn District Council a baseline of the condition of our home.

With this baseline the Selwyn District Council will be able to move forward with supporting owners to bring their homes and properties up to a healthy home's standard.

This needs to be done through the lens of helping and enabling the people of our community rather than a means to terminate anyone's right to stay in their dwelling.

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

This is Entirely dependent on what issues were identified. USH residents should expect transparency, honest and full support to attend to or rectify any issues. And make properties healthy safe and fit for habitation.

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Work with owners and allow time where possible to rectify and or make good the changes as required.

20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May September 2025 – process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act—these licences are granted under the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the ROLD Act). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)

reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. **There is no limit on term under that Act.**

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, **which also focus on the community**.
- (iv) **The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).**
- (v) **When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977.****
- (vi) **In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.**

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>3</sup> It varies depending on lease types and the specific activity proposed.

<sup>4</sup> Section 168 ROLD Act and Section 61 Reserves Act 1977

<sup>5</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>6</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>7</sup> Section 3 and 10 Local Government Act 2002.

<sup>8</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>9</sup> Section 10(1)(a) Local Government Act 2002



- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as “significant”, as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

*Under what Act is the power to grant a lease or licence?*

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to “the Commissioner”, this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opuia Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted “The power to grant licences is more constrained than the leasing power.” At [97].

7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding mine**):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

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<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act



appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.

13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

***What term can be granted?***

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.

15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.

16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:

- (i) the overarching purpose of the Reserves Act;
- (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
- (iii) lease and licence terms available for various reserve types under the Reserves Act.

17. Under the Reserves Act, the following terms can be granted:

- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)

- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act so it. Guidance under the Reserves Act indicates Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:
 

*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:
- On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:
- "The consultation asks the following two questions:
- (i) *Please select your preferred licence term from the options below*
    - o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?*
    - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?*
    - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?*

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29

*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
  - (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
  - (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

### **(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

(iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994



(iv) Schedule: **Permanent licences** terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
  - (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rārangī Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.

49. The functions of administering bodies include<sup>50</sup> to **ensure** the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

- (vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;
- (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>;
- (viii) Given the reserve purpose is "hut settlement", and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as "significant", as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now "moderate". The circumstances surrounding the categorisation of the issue as "significant" in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.

## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

(1) The administering body of a local purpose reserve may, in the exercise of its functions under [section 40](#), do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.

(2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the [Public Bodies Leases Act 1969](#).

(2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
- (b) farming, grazing, cultivation, cropping, or other like purposes.

(2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:

- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
- (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

(3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (**UOA**), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

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<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.



## Submitter Number: 124

**Full Name:** Tracey MacLeod

**Organisation:**

**Wish to speak to the submission:** No

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**What is your connection or interest to Upper Selwyn Huts?**

Other

Resident interested in fairness & balance

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**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

First, I want to acknowledge the stress this must be putting on those living permanently at the Huts.

Second, it is still not clear to me what is the underlying issue here? The Aqualink report suggests inundation is unlikely before 2080? Other areas of Selwyn have flooded in recent rain events, blocking road access, damaging roads and flooding homes. Not Upper Selwyn Huts. In fairness, if flood events are driving this, are SDC looking to rid itself of the cost/responsibility because they can under the Licence framework, where they cannot move the homes from more flood prone parts of our region?

I have yet to read a compelling rebuttal of the USH legal advice on the newly appearing term 'finite'

It's difficult to have a view on length of Licence when full costings of Selwyn-wide impact have not been undertaken - at first glance this appears the wrong way round. SDC has had a lot of time to prepare costings. The recent Council meeting on this issue and the whooly responses on costings, do not fill me with confidence.

Leaving aside innundation, which cannot be driving this decision (Aqualinc) and costs not calculated yet - what is driving this decision? I've heard Licence + Rates + Bond calculations ranging from \$3000 to 7000 per year.

I am of the view that Licence holders and immediate family only, should be Licence holders with no right to sublet or rent out the huts.

I cannot help but finish by noting that Developers in Selwyn appear to get better treatment from our Council than ratepayers, including USH people

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**Do you have any other feedback on licence terms?**

No

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**Please add your comments:**

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

Again, no costing is available to measure these event impacts against. So 'too expensive to maintain' is vague at best. Compared to other parts of Selwyn where roads or bridges have been impacted, how often have any of these events happened at USH?

The Aqualinc modelling suggests USH will not be the only areas in trouble by 2080?

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

I would expect well before one of these events occurred, a full costing of these eventualities would already be modelled?

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

No

Please add your comments

As long as the bond is VERY clear from the outset about what exact land condition the Council is referring to and it is reasonable. Do you mean the cost of dismantly all structures on the land?

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

I am aware of a number of properties in Selwyn, on land area of over 1000m<sup>2</sup>, where at construction a connected (to main house or garaging) area was plumbed and wired for a kitchen but did not install to evade the development contribution required by the Council. Following issuance of CCC a kitchen was added. Few of these properties, to my knowledge, are revisited by SDC inspectors. Properties without pools or specified items requiring inspection get inspected so why would these properties? Whatever you apply to USH must be equally applied and implemented across all properties in Selwyn and that sounds very expensive.

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

The same level and depth of communication any home owner in SDC receives if there is a transgression. Advance notice, reasonable chance to rectify and that whichever person at SDC they speak to, and when, supplies them with consistent and accurate advice.

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 125

**Full Name:** Leslie McAuley

**Organisation:**

**Wish to speak to the submission:** No

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**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

**What is your interest in the area?**

Selwyn ratepayer

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

- \* 30 year licence with rights of renewal for further terms of 30 years conditional on triggers is a fair term given the lack of reasons justifying a non-renewable licence.
- \* No reason given that justifies a non-renewable licence.
- \* Council commissioned reports do not support the next licence being non-renewable.
- \* Before a non-renewable term is agreed community need to be given evidence of risk and the opportunity to mitigate that risk.
- \* A decision for a non-renewable licence should be community led not forced upon the community.
- \*administering a local purpose reserve comes with obligations which the council isn't



meeting

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

Upper Selwyn Huts has not been flooded in 130 years

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

# Significant heritage values that should be protected

# current affordable housing shortage

# Upper Selwyn Huts is unique and should be recognised as an asset

# you don't understand why the Council or forcing this decision

# without a justifiable reason for non-renewable the community and their supporters will continue to challenge the Council wasting time and money on both sides.

# Council should be finding ways to help the settlement and community stay.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Upper Selwyn Huts wants to be treated like everyone else in the district.

\* Upper Selwyn Huts should be given the chance to mitigate any proven risks before trigger points are decided

\* examples 1 & 2 are not appropriate to make someone homeless and they are vague.

\* being cut off for 24 is not an issue and the road should be maintained regardless as there are many users of this road other than Upper Selwyn Huts. It is an access to the lake.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Please add your comments

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**Please add your comments:**

The bond has not been needed before and with no justifiable reason for a non-renewable licence a bond is not needed now

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

Selwyn Hut owners should be treated like any other ratepayer in the region. This is these people's homes and memories. Why is this even happening?

---

**Do you think the checklist covers the right things?**

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 126

**Full Name:** Grant and Jillian Bonniface

**Organisation:**

**Wish to speak to the submission:** Yes

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### What is your connection or interest to Upper Selwyn Huts?

Other

Our family has been associated with the Huts for around 100 years having started with our Grandparents and relations in the 1920's, with a hut built in the 1940's and a current hut purchased by our parents in 1958. On the farming side of our family, we also directly owned the farm ("Riversmere") on both sides of Days Road immediately adjacent to the huts including the riverbed and lake flat for over 100 years. Our family has been involved in the community for a very long period including serving on the Springston South Domain Board and Hut Owners Association.

---

### What is your interest in the area?

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

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**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

We have not selected a licence term. We believe the lease should have a long term (30 years) and rights of renewal.

## Explanation

The USH is a community on the Selwyn River away from the shores of Te Waihora Lake Ellesmere that has for over 120 years evolved to the community that exists today which is a combination of recreational users and permanent residents. This mix has changed over time as rules for occupation have changed under various entities vested with looking after the community but the heart of the community has not changed. Prior to the SDC, governing bodies including the Springston South Domain Board and the Selwyn Hut Owners Association who were there to manage the activities of the Reserve for the betterment of the Hut Owners with a contemplation of the USH continuing in existence in perpetuity for the benefit of the hut owners, preserving the community. These organisations never contemplated any finite term and in my view it is the Council's responsibility and obligation both morally and under a duty of care, and under law to support the long term existence of the huts as a "Hut Settlement" ensuring its continued use, enjoyment and preservation.

Council have installed a sewerage system which has a long life resolving waste water issues.

In reading the opinion by Clare Lenihan dated 20 June 2025, there appears to be no reason why licenses cannot be granted for a period of 30 years with ongoing rights of renewal subject perhaps to environmental considerations where the Huts become uninhabitable. These would need to be well thought out and understood.

It is also noted that SDC have received advice from the Jacobs Report and Aqualinc that there is no pressing risk to the hut settlement from climate change related issues in the next 30 or so years. The increase in risk is slow over the next 50 years and is by no means certain and no greater than other parts of the District.

Ultimately, Council needs to be working for this community to meet its obligations as to "how we can ensure the Huts existence for the long term, not why we can't", the same obligation as Council has across other communities and residents of its District.

**To conclude: Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed).**

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive



to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

These triggers highlighted are somewhat spurious and are not appropriate and look like they have been created to give reasons for early termination.

1. Flooding that cuts off access twice in a year is not that big an issue and is managed by resident self-evacuation. It must be noted that over the last few years events, and in fact across its history, floods have occurred that have flooded the road through bank overtopping in the low part of the bank above the Huts but this has only prevented access for a brief time (a few days) with water discharging relatively quickly through to the Lake allowing access to the huts. In 2021 access was achieved by Army 4 wheel drive vehicles.
2. It is very unlikely that the road would be damaged so that there is no prolonged lack of access and occupation. The road has been there for well over 120 years and while water level has prevented access in the short term, the road has not been impassible due to water flow damage to the road itself in that time. Even in 1951, extensive flooding occurred across the Canterbury region and in the area did not make the farms or huts inaccessible for an extended period or cause damage to the road or the huts. Flood waters with sufficient velocity to damage the road would likely cause far more significant damage upstream in other parts of the district ie Dunsandel, SH1 Road and Rail bridges, and would have overtopped the bank up river to south of the Selwyn River flowing towards the lake. See attached photo showing Days Rd shortly after a flood event in 2021. Water discharged and access was regained.
3. In relation to earthquakes, the Hut community has been through earthquakes Greendale 2010, Christchurch 2011 that did not block the road, nor cause issues that are different from an earthquake anywhere else in the Selwyn District. In fact Darfield is probably at much higher risk.

People are resilient and manage through the events that are highlighted in this question and these are the same for all the communities that exist within the Selwyn District and beyond.

---

**Are there any additional events that you think should be considered?**

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

We are not experts in this area and should not be expected to propose environmental events that would create some form of retreat. All events are different and need a sensitive well considered approach.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

No

Please add your comments

We can't see that a bond is appropriate. There has not been one in place in the Huts' existence and under a renewable licence is not required.

Unclear as to what a bond might achieve and what level is meaningful \$1000, \$1000, ?. Any bond assuming that the hut owners have sufficient funds at this juncture would need to be held in trust for the specific hut owner and be invested for the benefit of the hut owner. This would need to be appropriately administered including annual interest payments and resident withholding tax payments. Issues such as refunds on sale would need to be dealt with and how they might be kept would need independent clarity.

It may be appropriate that a reinstatement provision that obligates the hut owners to reinstate is included within the licence which is agreed to by the hut owner but this needs to be clearly defined and worked through.

Bonds are likely a financial burden to Hut owners given the nature of the residents and their financial position.

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**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

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**Please add your comments:**

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

Hut owners would like to be treated as any other resident in the Selwyn District. Is the Council going to inspect all houses over 80 years old in the district for some form of compliance based on the Assessment schedule?

These are homes that derive their heritage from recreational Huts constructed over a very long period of time in different ways. The current owners use them on the basis of how they have been constructed and accept them and maintain them and inhabit them on that basis.

We are happy to have a once only external inspection to establish general condition and location features (although lot boundaries will be difficult to establish in a lot of cases. We seriously question the ability of Council inspectors to provide appropriate assessments in a way that is other than rules and definition based and assumes the lowest degrees of risk to Council.

There is no stormwater system in the Huts so all stormwater is discharged to ground. Underfloor ventilation is how it is and cannot be changed so should not be considered.

Agree that Huts should be kept in a tidy condition and be maintained in such condition. ie rubbish, unkept lawns and shrubbery, visible inoperative cars or trailers etc.

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May September 2025 – process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act—these licences are granted under the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the **ROLD Act**). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)

reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. **There is no limit on term under that Act.**

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, **which also focus on the community**.
- (iv) **The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).**
- (v) **When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977.****
- (vi) **In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.**

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>3</sup> It varies depending on lease types and the specific activity proposed.

<sup>4</sup> Section 168 ROLD Act and Section 61 Reserves Act 1977

<sup>5</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>6</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>7</sup> Section 3 and 10 Local Government Act 2002.

<sup>8</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>9</sup> Section 10(1)(a) Local Government Act 2002



- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as “significant”, as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

*Under what Act is the power to grant a lease or licence?*

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to “the Commissioner”, this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opuia Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted “The power to grant licences is more constrained than the leasing power.” At [97].

7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding mine**):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

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<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act

appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.

13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

***What term can be granted?***

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.

15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.

16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:

- (i) the overarching purpose of the Reserves Act;
- (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
- (iii) lease and licence terms available for various reserve types under the Reserves Act.

17. Under the Reserves Act, the following terms can be granted:

- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)



- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002

or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act so it. ~~Guidance under the Reserves Act indicates~~ Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:  
  
*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:  
  
*On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:  
  
"The consultation asks the following two questions:
- (i) *Please select your preferred licence term from the options below*
    - o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?*
    - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?*
    - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?*

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29



*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
- (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
- (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

### **(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act



- (a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—
  - (i) recreational use or potential, whether active or passive; or
  - (ii) wildlife; or
  - (iii) indigenous flora or fauna; or
  - (iv) environmental and landscape amenity or interest; or
  - (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

*Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

- (iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994

(iv) Schedule: **Permanent licences** terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
  - (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rārangī Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.

49. The functions of administering bodies include<sup>50</sup> to **ensure** the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

- (vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;
- (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>;
- (viii) Given the reserve purpose is “hut settlement”, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as “significant”, as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.

## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

- (1) The administering body of a local purpose reserve may, in the exercise of its functions under [section 40](#), do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.
- (2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the [Public Bodies Leases Act 1969](#).
- (2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:
- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
  - (b) farming, grazing, cultivation, cropping, or other like purposes.
- (2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:
- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
  - (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.
- (3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.



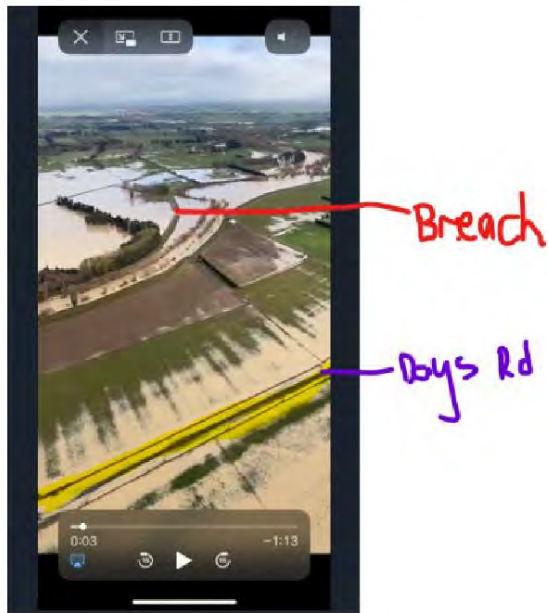
## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (**UOA**), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

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<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

2021 photo immediately above the huts showing bank breach with flood waters across farmland to the south and Days Road through bottom quarter with shallow water across the road.



## Submitter Number: 127

**Full Name:** Maria Carter

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Rolling 10-year terms (with the ability to renew, up to a maximum of 30 years total, i.e. 10 + 10 + 10 years)

[Please explain the reason for your selection:](#)

---

**Do you have any other feedback on licence terms?**

No

---

**Please add your comments:**

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive

to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication replacement and interim accommodation**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**



## Submitter Number: 128

**Full Name:** Susan Rogers

**Organisation:** Selwyn Hut Owners' Association Inc

**Wish to speak to the submission:** Yes

---

### What is your connection or interest to Upper Selwyn Huts?

Other

The Selwyn Huts Owners' Association represents 94% of the homeowners of the Upper Selwyn Huts

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### What is your interest in the area?

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

### Do you have any other feedback on licence terms?

Yes

---

### Please add your comments:

Other: Residents seek a Licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed).

Our preferred option is based on our Barrister's legal opinion 20 June 2025 (attached) which states the Council is not bound by a non-renewable Licence, that the Council needs to consider their obligations as administrator of a **local purpose reserve for the**

**purpose of hut settlement**, which includes the community, as well as its specific historic values.

The Council is failing to meet their obligations as the administrator of this local purpose reserve and in addition there is clear and extensive evidence they have actively sought ways to end the settlement's occupancy since at least 2017.

The Council has not given any reason to justify a non-renewable Licence and is ignoring all the reasons for the next Licence to be renewable.

### ***Why can't we have a renewable Licence?***

*Please note - the Selwyn Huts Owners' Association Inc represents 94% of the homeowners of Upper Selwyn Huts.*

The following will expand on the above summary under the following headings:

1. The Council is not bound by any Non-Renewable Term
2. The Council's Obligations as Administrator of a Local Purpose Reserve for the Purpose of Hut Settlement
3. How The Council Are Not Meeting Their Legal Obligations
4. There Are No Reasons Justifying a Non-Renewable Licence
5. Other Reasons the Next Licence Should be Renewable

#### **1. The Council is not bound by any Non-Renewable Term**

Barrister Clare Lenihan's Opinion 20 June 2025 (attached):

"54 (i) Council is not bound by any finite Licence term under the ROLD Act or the Reserves Act;

54 (ii) The Reserves Act indicates a Licence for more than one term of 33 years can be granted, with no specific end date;

54 (iii) Council is not bound by its 2019 Resolution to only consider a finite term"

***Why is the Council's legal team advising Councillors that the next Licence must be non-renewable?***

## 2. The Council's Obligations as Administrator of a Local Purpose Reserve for the Purpose of Hut Settlement

Barrister Clare Lenihan's Opinion 20 June 2025 (attached):

"48. The Minister of Conservation appoints a local authority to control and manage a reserve "for better carrying out the purpose of any reserve", **for the particular purpose for which it was classified.**

49. The functions of administering bodies include to **ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve for the purpose for which it is classified.**"

"51. Summary: Given the purpose of the reserve is a "hut settlement", and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a Licence for a term consistent with the continued existence of the hut settlement."

"44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are...**historic features present, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.**"

"54 (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community and **promote the social, economic and cultural well-being of that community both now and for the future**

54 (viii) Given the reserve purpose is "hut settlement", and in accordance with the broader purposes of the Local Government Act 2002, **in the absence of justifiable reasons to grant a shorter or finite term, Council should grant a Licence for a term consistent with the continued existence of the hut settlement"**

M.P. Andy Foster (ex Wellington Mayor) Email to Sam Broughton; Sharon Mason & Tim Harris 5/3/25:

"This community is not wealthy, and some of its members are vulnerable in their circumstances. **Councils have a duty of care under the Local Government Act**".

Selwyn District Council – USH Councillors Workshop Notes Publicly Excluded  
5/3/25:

Guiding Principles and Assumptions  
**“Ensuring that no one is made homeless”**

Public Consultation and Decision Making in Local Government: Application of  
Administrative Law (oag.parliament.nz):

“Procedural fairness requires...the interested parties must receive a **“fair hearing”**

**“Predetermination.** A decision in the consultative process could be challenged if a decision maker has predetermined the question on which comment was sought”

### 3. **How The Council Are Not Meeting Their Legal Obligations**

As per above, the Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, **for the particular purpose for which it was classified**, and the functions of administering bodies include to **ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve for the purpose for which it is classified.**

There is clear evidence from 2017 that Selwyn District Council has not only failed to meet these obligations but has actively sought multiple ways and reasons to terminate the occupancy of the Upper Selwyn Huts from this Local Purpose Reserve as follows:

- **2017 SDC fails to ensure the use and enjoyment of, and to protect and preserve the classified purpose of the reserve** by seeking a legal opinion on ability to end USH occupancy.

Buddle Findlay legal opinion to SDC:

“You have asked for our views on the following matters:

- (a) The feasibility of refusing to renew the Licences”...

- 2019, 8 May Council Meeting – SDC **fails to ensure the use and enjoyment of, and to protect and preserve the classified purpose of the reserve** by passing a resolution to make future Licences short term and ultimately finite:
  - 2018 Council Commissioned report “Upper Selwyn Huts Community Strategy Development Draft Working Proposal” by Development Matters recommends:
    - “for the Council to give certainty and transparency for Licence holders, the council will grant a Licence for a five-year period from 30 June 2020 and five subsequent renewals of five-year periods. The subsequent renewals will be determined by both the life of the wastewater consent and the ongoing impact of climate change”.
  - Councillors ignore these recommendations and under the **low significance** classification (and therefore no formal community consultation) and **publicly excluded meeting**, Council pass the resolution that hut **Licences and subsequent renewals are short term and ultimately for a finite period**.
  
- 2019 SDC **fails to recognise and protect the historic significance** of the USH by blocking the USH Heritage List Application:
  - 4 March 2019 Heritage New Zealand Pouhere Taonga (HNZPT) receives Upper Selwyn Huts application for entry on the New Zealand Heritage List/Rarangi Korero Historic Places and Historic Areas.
  - 7 March 2019 SDC receives legal opinion from Buddle Findlay which states:
    - “we would not find it particularly surprising if there was expert support of there being heritage values of some kind in at least some of the Huts, or the area as a whole, given it’s history. Notably the Huts were apparently established in 1895, which in itself could potentially mean they have relevance as an “archaeological site” for the purposes of the Act (ie being associated with human activity before 1900).”
    - “If part or all of the Huts were to be entered on the Statutory List as a historic area, the most notable consequence would be that HNZPT could then “make recommendations to [the Council] as to the appropriate measures that [the Council] should take to assist in the conservation and protection of the historic area”, to which the Council must “have particular regard”.
  - 8 May 2019 SDC under the low significance classification (and therefore no formal community consultation) and publicly excluded meeting, pass the resolution that hut Licences and subsequent renewals are short term and ultimately for a finite period.



- 12 June 2019 SDC writes to HNZPT informing them of the 8 May 2019 Council Resolution that “hut Licences and subsequent renewals are short term and ultimately for a finite period”.
  - 5 August 2019 HNZPT writes to Council and USH declining USH application for entry on the NZ Heritage List based on the Council’s 8 May 2019 resolution.
  - 24 April 2024 Selwyn Huts Owners’ Association’s Barrister Clare Lenihan wrote to the Association questioning whether HNZPT could decline this application on the grounds that it did.
- **2023 SDC fails to meet administrator’s obligations** by attempting to transfer its administering functions and obligations of the Local Purpose Reserve to the Department of Conservation:
    - 14 June 2023 Buddle Findlay, on behalf of SDC, writes to DOC stating:
      - The reserve is surplus to its requirements and should be returned to the Crown
      - The Crown, DOC or an alternative administering body will be best place to manage the Reserve and the existing Hut Settlement
    - 18 September 2023 DOC replies:
      - “Given the local nature of the Reserve revoking the Council’s appointment would not be for the “better carrying out the purpose of the Reserve”.
      - “The Council remains best placed to manage the Reserves local purposes”
      - “There is no evidence that any other agency including iwi would be better placed to manage the Reserve for its current purposes.”
- **2024 (March) SDC fails to ensure the use and enjoyment of, and to protect and preserve the classified purpose of the reserve and fails to promote the social, economic and cultural well-being of the community** by:
    - Classifying the future occupancy of USH as low significance, ensuring any future strategy is not community led.
    - Presents USH with a 174-page document 2 working days before the Council votes on the next Licence to occupy being a maximum of 15 years finite with no consultation.
- **2024-2025 SDC fails to ensure the use and enjoyment of, and to protect and preserve the classified purpose of the reserve and fails to promote the social, economic and cultural well-being of the community** by

attempting to justify a non-renewable Licence based on an ever-changing list of reasons and not being interested in alternative opinions or solutions (see Number “4. There are No Reasons Justifying a Non-Renewable Licence” below).

- **2025 (May-June) SDC fails quality and fair consultation with USH by predetermining the Licence term outcome:**
  - Question 1. Licence Term Options of the Future Deed of Licence Consultation document only provides non-renewable options and does not include an “Other” box. This incorrectly implies non-renewable are the only Licence options and predetermining the consultation outcome.
  - Selwyn Huts Owners’ Association requests that any consultation summary includes the total submissions that prefer “Other” Licence terms options, which include any submission that didn’t have a box ticked but included comments; as well as any submission that had a box ticked but included comments for the term to be renewable or similar.

***Why hasn’t the Council described USH as a “Local Purpose Reserve, for the purpose of hut settlement” anywhere in the consultation document or in any media releases?***

***Are the Council aware of their legal obligations as an administrator of a Local Purpose Reserve?***

***Why has the Council predetermined a non-renewable Licence since 2017 and refused to carry out community led engagement?***

***Why has the Council not recognised or moved to protect USH’s significant heritage values since Buddle Findlay identified these in 2019?***

#### **4. There Are No Reasons Justifying a Non-Renewable Licence**

Since 2019 and particularly since March 2024, the Council has provided USH with an ever-evolving list of reasons for a non-renewable Licence. As some reasons are disproved, new reasons are provided. The USH community does not have a current list of Council reasons justifying a non-renewable Licence.

The question has always been, and remains, why should the next Licence be non-renewable for the first time in 130 years?

Collating multiple documents, we believe the following are the Council's remaining justifications:

- Lake levels rising due to the lake not being opened
  - It was suggested on 5 March 2025 publicly excluded Councillor workshop that this trigger should be removed due to the unlikelihood of this scenario.
  
- Wider community tensions
  - What is meant by “wider community tension?”
  - It is the Councils' role to manage community tensions. We believe the Council are creating community tensions about Upper Selwyn Huts by their media releases with their exaggerated narratives that the USH community are costing ratepayers money and that we are constantly at risk from extreme weather events, neither of which are true.
  
- Concerns about evacuations and road access being cut off during extreme weather events
  - USH has never flooded in 130 years.
  - The USH community is proactive with monitoring river levels, listening to Civil Defence warnings, and self-evacuating when the road access is due to be cut off which is by design to release the pressure of the river at high levels.
  - USH would like to be treated the same as everyone else in the Selwyn District when road access is cut off.
  
- Rising ground water and flood risks
  - Council commissioned Aqualinc report December 2024 concluded that based on their modelling, **USH will not be vulnerable to lake level rises or rising ground water until at least late in the century.** These conclusions do not support the next 30 year Licence being non-renewable.
  - Council commissioned Jacobs Report March 2025 concluded the available climate change and flooding information does not seem to support the need for retreat in the next 15-30 years.
  - Risk to the stop banks during high river levels has not been confirmed.
    - USH are working with ECAN to establish if there are areas of risk at extreme river levels.

- **USH are not aware of any concerns raised by ECAN about the stop bank at the settlement.**
  - USH community believes the opposite stop bank is lower than the stop bank at the settlement and is more at risk.
  - ECAN has a plan to lower the opposite bank further downstream to release extreme pressure reducing risk further upstream.
  - **Further scientific data is required before concluding the stop banks at the USH settlement is at risk.**
- Legal Constraints
    - have adjusted their preferred Licence term option to fall within the constraints of SDC's internal legal team's advice to Councillors 21 May 2025 as follows:
      - 33 years is the limit for a Licence term when applying the Reserves Act 1977 and the next Licence needs to fit within that timeframe.
      - When applying good Local Government Act decision making principles, an infinite term on a Licence should apply.

For these two reasons, we have adjusted our preferred Licence term option from "open ended, with triggers" to "30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed).

- SDC internal legal team have refused to respond to our Barrister's legal opinion and our LGOIMA before the end of this consultation period denying USH the opportunity to counter their advice to Councillors.

We have requested the statutory interpretation for SDC's internal legal advice to Councillors several times as follows but have been denied this information each time:

- Clare Lenihan phone call with Julie Hands. Julie refused to give details.
- Email to SDC requesting response to our Barrister's opinion. SDC refuses to reply before the end of the current consultation period.
- LGOIMA response refused before the end of the consultation period.

**For these reasons, legal constraints should not be used to justify a non-renewable Licence in September 2025.**

- Duty of Care
  - USH believes Buddle Findlay's advice to SDC overstates SDC's Duty of Care obligations as SDC is not a landlord of our homes, but rather administrators of the land only.
  - USH requires more time to obtain legal advice on SDC's Duty of Care in relation to being an administrator of the local purpose reserve.
  - SDCs known Duty of Care concerns:
    - Fire Risk - USH have been working with Fire and Emergency New Zealand (FENZ) who have subsequently contacted SDC. FENZ do not appear to be any more concerned about our homes compared to others in the district. They have given us some general advice which all homeowners would receive, which we are happy to share with the Council during any lot inspections.
    - Insanitary Buildings - there is no reason why USH residents should be treated differently from any other house in the Selwyn District in relation to insanitary buildings.

***Why can't we have a 30 year renewable Licence?***

***Why has the Council continually shifted the goal posts since 2017?***

***Why has the Council ignored the recommendations of both the Council commissioned Aqualinc and Jacobs reports and continue to push for a non-renewable licence?***

***Why hasn't the Council's legal team given us the legislative details of their advice to Councillors despite our LGOIMA, request for a response to Barristers opinion and phone call from the Barrister?***

## **5. Other Reasons the Next Licence Should be Renewable**

The Council as administrators of a local purpose reserve have legal obligations which they are failing to meet.

- In the absence of reasons to grant a shorter or finite term, Council should grant Licences for a term consistent with the continued existence of the hut settlement.
- No reason provided by the Council so far justifies a non-renewable Licence.
- Councils own commissioned scientific and consultant reports do not support a non-renewable Licence.

- USH has never flooded in 130 years.
- Heritage. SDC needs to consider the specific historic values of the reserve and community (Barrister opinion attached).
- USH has commissioned a Statement of Significance from historians Underground Overground Archaeology (UOA) (which will be provided to you before the Oral Submissions) which concludes that The Upper Selwyn Huts is an archaeological site and the place also contains significant heritage values. UOA recommends:
  - That the huts remain on their current site;
  - That the Upper Selwyn Huts are added to HNZPT's List/Rārangi Korero as a historic area;
  - That the Upper Selwyn Huts are added to Selwyn District Council's District Plan heritage schedule.
  - UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.
- 130 years of Licence renewals precedent (Barrister's opinion attached).
- Expectation of permanency - from 2015 the Licence contains the word **permanent**. It is in the current Licence 5 times (Barrister's opinion attached). Half of the houses have changed ownership since 2015, with the understanding that permanent means long term occupancy.
- There is a current housing shortage and also limited availability of low cost housing, especially in Selwyn. The housing in USH should be protected for this reason for as long as it is safe to do so.
- The USH is a unique community, and "a very special and welcoming place, both its built character and its strong sense of community. I would have hoped that Selwyn District Council could see Upper Selwyn Huts as being a special asset for as long as possible." (MP Andy Foster email to SDC 7/3/2025).
- Security of tenure is a basic human right. The USH residents have not experienced this right for 10 years. They deserve to live in their homes in peace, privacy and comfort with less stress and more certainty.
- USH community does not understand nor agree with the reasons behind a non-renewable Licence.



- USH will continue to challenge SDC if a non-renewable Licence is voted in without justification.

***With all the reasons supporting a renewable Licence, and no reasons given that justify a non-renewable Licence, why can't the next Licence be renewable?***

## Summary/In Conclusion

Selwyn Huts Owners' Association does not agree with any of the three Licence term options provided as they are all non-renewable.

SDC as administrators of a local purpose reserve for the purpose of hut settlement, have legal obligations when administering the reserve. Selwyn Huts Owners' Association does not believe SDC are meeting those obligations. In fact there is compelling evidence that SDC have been actively seeking ways to remove the community since 2017.

There are no reasons provided that justify a non-renewable Licence, however there are many reasons why the next Licence should be renewable.

**For these reasons, the residents seek a Licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) as recommended by our Barrister.**

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

- **In relation to environmental events, we would like to be treated the same as everyone else in the district.**
  - To the best of our knowledge, no mitigation solutions have been investigated by the Council. Mitigation options should be explored thoroughly before confirming events that will trigger retreat. Specific triggers provided here are inappropriate, vague and open to different interpretation. This gives the Council power to terminate Licences unnecessarily.
  - The Civil Defence warning system is very effective and the community is also very organised with self-monitoring which enables them to manage their own evacuations if required.
  - Flooding of road access is not a reason to warrant retreat.
  - USH are not the only users of Days Rd. This road is used by Lower Selwyn Huts; the Ngai Tahu farm house; ECan; users of the lake and the boat ramp; as well as the neighbouring farmers. We believe the Council has a responsibility to maintain this road and this should not affect our future occupancy. Damage to the road is not a reason for USH to be permanently retreated.
  - This community is motivated and willing to work with the Council to research any mitigation options. This should happen before any triggers are decided upon.
- 

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

- The Council commissioned reports from Aqualinc and ECan which contributed to the conclusion of the Jacob's report 7/3/25 (also commissioned by Council):
  - "a triggers-based approach is not recommended at this stage."
  - "The risk to USH from flooding is no greater than a lot of other areas in the district. The increase in risk is slow over the next 50 years."
  - "The available climate change and flooding information does not seem to support the need to retreat in the next 15-30 years."
  - "Environment triggers and thresholds require more scientific investigation and clear explanation and rationale for the community."

No further research has been carried out in this area and presented to the community, so it is unclear where the events listed in the consultation document have come from?

- Reference to environmental events leading to an early Licence end should only relate to a significant event which has caused serious damage to homes and people or a risk of a significant event that cannot be mitigated.

If this resulted in confirmation from an independent body that the USH is permanently uninhabitable, a Licence end date could be mutually agreed upon.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

- In the event of a serious environmental event, the next step would be a discussion with the community leading to a collaborative decision on the way forward.

**This community deserves to be treated in the same manner as any other community in the Selwyn District. Forcing their retreat before any significant risk has been identified or any major event has occurred without justification is not acceptable.**

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

- A bond hasn't been required in 130 years. We are requesting a renewable Licence and in line with precedents set in the past, a bond should not be required.
  - This is an additional cost to residents at a time when all costs are increasing, possibly significantly.
-

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Only when SDC receives a complaint

---

**Please add your comments:**

- Buildings should only be inspected when a complaint is made regarding an individual house.
  - The USH should be treated like everyone else in the district.
  - Pending a legal opinion on the Council's duty of care and the Council's rights to inspect, we are awaiting confirmation as to whether a settlement-wide inspection is lawful.
- 

**Do you think the checklist covers the right things?**

No

Please specify what you would change

- This should be a lot inspection only and should not include the buildings as the Council are not landlords of our buildings.
  - The Building Condition – External section should be removed in its entirety.
-

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

- If there is a problem with the lot, a mutually agreed timeframe to remediate without punitive consequences.
  - Support and advice from Council would be helpful if there are any issues.
- 

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

- Any issues with an inspection should NOT be a reason to terminate a Licence.
- **Ensuring that no one is made homeless is one of the Council's own guiding principles and assumptions.**

**PLEASE NOTE - A PDF VERSION OF THIS SUBMISSION HAS BEEN ATTACHED IF THERE ARE ANY FORMATTING ISSUES WITH THE VOLUME OF THIS SUBMISSION.**

## **Selwyn Huts Owners' Association Consultation Submission (20 July 2025)**

### **Question 1: Licence Term Options**

Council is seeking feedback on three different options for how long future Licences should last. Please select your preferred Licence term from the options below.

- Fixed term of 5 years No renewal.
- A single fixed term of 30 years No renewal.
- Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Other: Residents seek a Licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed).

Please explain the reason for your selection:

Our preferred option is based on our Barrister's legal opinion 20 June 2025 (attached) which states the Council is not bound by a non-renewable Licence, that the Council needs to consider their obligations as administrator of a **local purpose reserve for the purpose of hut settlement**, which includes the community, as well as its specific historic values.

The Council is failing to meet their obligations as the administrator of this local purpose reserve and in addition there is clear and extensive evidence they have actively sought ways to end the settlement's occupancy since at least 2017.

The Council has not given any reason to justify a non-renewable Licence and is ignoring all the reasons for the next Licence to be renewable.

### **Why can't we have a renewable Licence?**

Do you have any other feedback? Yes No.

Yes

Please add your comments:

*Please note - the Selwyn Huts Owners' Association Inc represents 94% of the homeowners of Upper Selwyn Huts.*

The following will expand on the above summary under the following headings:

1. The Council is not bound by any Non-Renewable Term
2. The Council's Obligations as Administrator of a Local Purpose Reserve for the Purpose of Hut Settlement
3. How The Council Are Not Meeting Their Legal Obligations
4. There Are No Reasons Justifying a Non-Renewable Licence
5. Other Reasons the Next Licence Should be Renewable



## **1. The Council is not bound by any Non-Renewable Term**

Barrister Clare Lenihan's Opinion 20 June 2025 (attached):

"54 (i) Council is not bound by any finite Licence term under the ROLD Act or the Reserves Act;

54 (ii) The Reserves Act indicates a Licence for more than one term of 33 years can be granted, with no specific end date;

54 (iii) Council is not bound by its 2019 Resolution to only consider a finite term"

**Why Is the Council's legal team advising Councillors that the next Licence must be non-renewable?**

## **2. The Council's Obligations as Administrator of a Local Purpose Reserve for the Purpose of Hut Settlement**

Barrister Clare Lenihan's Opinion 20 June 2025 (attached):

"48. The Minister of Conservation appoints a local authority to control and manage a reserve "for better carrying out the purpose of any reserve", **for the particular purpose for which it was classified.**

49. The functions of administering bodies include to **ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve for the purpose for which it is classified.**"

"51. Summary: Given the purpose of the reserve is a "hut settlement", and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a Licence for a term consistent with the continued existence of the hut settlement."

"44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are...**historic features present, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.**"

"54 (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community and **promote the social, economic and cultural well-being of that community both now and for the future**

54 (viii) Given the reserve purpose is "hut settlement", and in accordance with the broader purposes of the Local Government Act 2002, **in the absence of justifiable reasons to grant a shorter or finite term, Council should grant a Licence for a term consistent with the continued existence of the hut settlement"**

M.P. Andy Foster (ex Wellington Mayor) Email to Sam Broughton; Sharon Mason & Tim Harris 5/3/25:

"This community is not wealthy, and some of its members are vulnerable in their circumstances. **Councils have a duty of care under the Local Government Act**".

Selwyn District Council – USH Councillors Workshop Notes Publicly Excluded 5/3/25:  
Guiding Principles and Assumptions

### **“Ensuring that no one is made homeless”**

Public Consultation and Decision Making in Local Government: Application of Administrative Law (oag.parliament.nz):

“Procedural fairness requires...the interested parties must receive a **“fair hearing”**

**“Predetermination.** A decision in the consultative process could be challenged if a decision maker has predetermined the question on which comment was sought”

### **3. How The Council Are Not Meeting Their Legal Obligations**

As per above, the Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, **for the particular purpose for which it was classified**, and the functions of administering bodies include to **ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve for the purpose for which it is classified.**

There is clear evidence from 2017 that Selwyn District Council has not only failed to meet these obligations but has actively sought multiple ways and reasons to terminate the occupancy of the Upper Selwyn Huts from this Local Purpose Reserve as follows:

- **2017 SDC fails to ensure the use and enjoyment of, and to protect and preserve the classified purpose of the reserve** by seeking a legal opinion on ability to end USH occupancy.

Buddle Findlay legal opinion to SDC:

“You have asked for our views on the following matters:

(a) The feasibility of refusing to renew the Licences”...

- **2019, 8 May Council Meeting – SDC fails to ensure the use and enjoyment of, and to protect and preserve the classified purpose of the reserve** by passing a resolution to make future Licences short term and ultimately finite:
  - 2018 Council Commissioned report “Upper Selwyn Huts Community Strategy Development Draft Working Proposal” by Development Matters recommends:
    - “for the Council to give certainty and transparency for Licence holders, the council will grant a Licence for a five-year period from 30 June 2020 and five subsequent renewals of five-year periods. The subsequent renewals will be determined by both the life of the wastewater consent and the ongoing impact of climate change”.
  - Councillors ignore these recommendations and under the **low significance** classification (and therefore no formal community consultation) and **publicly excluded meeting**, Council pass the resolution that hut **Licences and subsequent renewals are short term and ultimately for a finite period.**
- **2019 SDC fails to recognise and protect the historic significance** of the USH by blocking the USH Heritage List Application:
  - 4 March 2019 Heritage New Zealand Pouhere Taonga (HNZPT) receives Upper Selwyn Huts application for entry on the New Zealand Heritage List/Rarangi Korero Historic Places and Historic Areas.

- 7 March 2019 SDC receives legal opinion from Buddle Findlay which states:
    - “we would not find it particularly surprising if there was expert support of there being heritage values of some kind in at least some of the Huts, or the area as a whole, given it’s history. Notably the Huts were apparently established in 1895, which in itself could potentially mean they have relevance as an “archaeological site” for the purposes of the Act (ie being associated with human activity before 1900).”
    - “If part or all of the Huts were to be entered on the Statutory List as a historic area, the most notable consequence would be that HNZPT could then “make recommendations to [the Council] as to the appropriate measures that [the Council] should take to assist in the conservation and protection of the historic area”, to which the Council must “have particular regard”.
  - 8 May 2019 SDC under the low significance classification (and therefore no formal community consultation) and publicly excluded meeting, pass the resolution that hut Licences and subsequent renewals are short term and ultimately for a finite period.
  - 12 June 2019 SDC writes to HNZPT informing them of the 8 May 2019 Council Resolution that “hut Licences and subsequent renewals are short term and ultimately for a finite period”.
  - 5 August 2019 HNZPT writes to Council and USH declining USH application for entry on the NZ Heritage List based on the Council’s 8 May 2019 resolution.
  - 24 April 2024 Selwyn Huts Owners’ Association’s Barrister Clare Lenihan wrote to the Association questioning whether HNZPT could decline this application on the grounds that it did.
- **2023 SDC fails to meet administrator’s obligations** by attempting to transfer its administering functions and obligations of the Local Purpose Reserve to the Department of Conservation:
    - 14 June 2023 Buddle Findlay, on behalf of SDC, writes to DOC stating:
      - The reserve is surplus to its requirements and should be returned to the Crown
      - The Crown, DOC or an alternative administering body will be best place to manage the Reserve and the existing Hut Settlement
    - 18 September 2023 DOC replies:
      - “Given the local nature of the Reserve revoking the Council’s appointment would not be for the “better carrying out the purpose of the Reserve”.
      - “The Council remains best placed to manage the Reserves local purposes”
      - “There is no evidence that any other agency including iwi would be better placed to manage the Reserve for its current purposes.”
  - **2024 (March) SDC fails to ensure the use and enjoyment of, and to protect and preserve the classified purpose of the reserve and fails to promote the social, economic and cultural well-being of the community by:**
    - Classifying the future occupancy of USH as low significance, ensuring any future strategy is not community led.
    - Presents USH with a 174-page document 2 working days before the Council votes on the next Licence to occupy being a maximum of 15 years finite with no consultation.

- 2024-2025 SDC fails to ensure the use and enjoyment of, and to protect and preserve the classified purpose of the reserve and fails to promote the social, economic and cultural well-being of the community by attempting to justify a non-renewable Licence based on an ever-changing list of reasons and not being interested in alternative opinions or solutions (see Number "4. There are No Reasons Justifying a Non-Renewable Licence" below).
- 2025 (May-June) SDC fails quality and fair consultation with USH by predetermining the Licence term outcome:
  - Question 1. Licence Term Options of the Future Deed of Licence Consultation document only provides non-renewable options and does not include an "Other" box. This incorrectly implies non-renewable are the only Licence options and predetermining the consultation outcome.
  - Selwyn Huts Owners' Association requests that any consultation summary includes the total submissions that prefer "Other" Licence terms options, which include any submission that didn't have a box ticked but included comments; as well as any submission that had a box ticked but included comments for the term to be renewable or similar.

**Why hasn't the Council described USH as a "Local Purpose Reserve, for the purpose of hut settlement" anywhere in the consultation document or in any media releases?**

**Are the Council aware of their legal obligations as an administrator of a Local Purpose Reserve?**

**Why has the Council predetermined a non-renewable Licence since 2017 and refused to carry out community led engagement?**

**Why has the Council not recognised or moved to protect USH's significant heritage values since Buddle Findlay identified these in 2019?**

#### **4. There Are No Reasons Justifying a Non-Renewable Licence**

Since 2019 and particularly since March 2024, the Council has provided USH with an ever-evolving list of reasons for a non-renewable Licence. As some reasons are disproved, new reasons are provided. The USH community does not have a current list of Council reasons justifying a non-renewable Licence.

The question has always been, and remains, why should the next Licence be non-renewable for the first time in 130 years?

Collating multiple documents, we believe the following are the Council's remaining justifications:

- Lake levels rising due to the lake not being opened
  - It was suggested on 5 March 2025 publicly excluded Councillor workshop that this trigger should be removed due to the unlikelihood of this scenario.
- Wider community tensions
  - What is meant by "wider community tension?"

- It is the Councils' role to manage community tensions. We believe the Council are creating community tensions about Upper Selwyn Huts by their media releases with their exaggerated narratives that the USH community are costing ratepayers money and that we are constantly at risk from extreme weather events, neither of which are true.
- Concerns about evacuations and road access being cut off during extreme weather events
  - USH has never flooded in 130 years.
  - The USH community is proactive with monitoring river levels, listening to Civil Defence warnings, and self-evacuating when the road access is due to be cut off which is by design to release the pressure of the river at high levels.
  - USH would like to be treated the same as everyone else in the Selwyn District when road access is cut off.
- Rising ground water and flood risks
  - Council commissioned Aqualinc report December 2024 concluded that based on their modelling, **USH will not be vulnerable to lake level rises or rising ground water until at least late in the century.** These conclusions do not support the next 30 year Licence being non-renewable.
  - Council commissioned Jacobs Report March 2025 concluded the available climate change and flooding information does not seem to support the need for retreat in the next 15-30 years.
  - Risk to the stop banks during high river levels has not been confirmed.
    - USH are working with ECAN to establish if there are areas of risk at extreme river levels.
    - **USH are not aware of any concerns raised by ECAN about the stop bank at the settlement.**
    - USH community believes the opposite stop bank is lower than the stop bank at the settlement and is more at risk.
    - ECAN has a plan to lower the opposite bank further downstream to release extreme pressure reducing risk further upstream.
    - **Further scientific data is required before concluding the stop banks at the USH settlement is at risk.**
- Legal Constraints
  - USH residents have adjusted their preferred Licence term option to fall within the constraints of SDC's internal legal team's advice to Councillors 21 May 2025 as follows:
    - 33 years is the limit for a Licence term when applying the Reserves Act 1977 and the next Licence needs to fit within that timeframe.
    - When applying good Local Government Act decision making principles, an infinite term on a Licence should apply.

For these two reasons, we have adjusted our preferred Licence term option from "open ended, with triggers" to "30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed).



- SDC internal legal team have refused to respond to our Barrister's legal opinion and our LGOIMA before the end of this consultation period denying USH the opportunity to counter their advice to Councillors.

We have requested the statutory interpretation for SDC's internal legal advice to Councillors several times as follows but have been denied this information each time:

- Clare Lenihan phone call with Julie Hands. Julie refused to give details.
- Email to SDC requesting response to our Barrister's opinion. SDC refuses to reply before the end of the current consultation period.
- LGOIMA response refused before the end of the consultation period.

**For these reasons, legal constraints should not be used to justify a non-renewable Licence in September 2025.**

- Duty of Care
  - USH believes Buddle Findlay's advice to SDC overstates SDC's Duty of Care obligations as SDC is not a landlord of our homes, but rather administrators of the land only.
  - USH requires more time to obtain legal advice on SDC's Duty of Care in relation to being an administrator of the local purpose reserve.
  - SDC's known Duty of Care concerns:
    - Fire Risk - USH have been working with Fire and Emergency New Zealand (FENZ) who have subsequently contacted SDC. FENZ do not appear to be any more concerned about our homes compared to others in the district. They have given us some general advice which all homeowners would receive, which we are happy to share with the Council during any lot inspections.
    - Insanitary Buildings - there is no reason why USH residents should be treated differently from any other house in the Selwyn District in relation to insanitary buildings.

***Why can't we have a 30 year renewable Licence?***

***Why has the Council continually shifted the goal posts since 2017?***

***Why has the Council ignored the recommendations of both the Council commissioned Aqualinc and Jacobs reports and continue to push for a non-renewable licence?***

***Why hasn't the Council's legal team given us the legislative details of their advice to Councillors despite our LGOIMA, request for a response to Barristers opinion and phone call from the Barrister?***

##### **5. Other Reasons the Next Licence Should be Renewable**

- The Council as administrators of a local purpose reserve have legal obligations which they are failing to meet.



- In the absence of reasons to grant a shorter or finite term, Council should grant Licences for a term consistent with the continued existence of the hut settlement.
- No reason provided by the Council so far justifies a non-renewable Licence.
- Councils own commissioned scientific and consultant reports do not support a non-renewable Licence.
- USH has never flooded in 130 years.
- Heritage. SDC needs to consider the specific historic values of the reserve and community (Barrister opinion attached).
- USH has commissioned a Statement of Significance from historians Underground Overground Archaeology (UOA) (which will be provided to you before the Oral Submissions) which concludes that The Upper Selwyn Huts is an archaeological site and the place also contains significant heritage values. UOA recommends:
  - That the huts remain on their current site;
  - That the Upper Selwyn Huts are added to HNZPT's List/Rārangī Korero as a historic area;
  - That the Upper Selwyn Huts are added to Selwyn District Council's District Plan heritage schedule.
  - UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.
- 130 years of Licence renewals precedent (Barrister's opinion attached).
- Expectation of permanency - from 2015 the Licence contains the word **permanent**. It is in the current Licence 5 times (Barrister's opinion attached). Half of the houses have changed ownership since 2015, with the understanding that permanent means long term occupancy.
- There is a current housing shortage and also limited availability of low cost housing, especially in Selwyn. The housing in USH should be protected for this reason for as long as it is safe to do so.
- The USH is a unique community, and "a very special and welcoming place, both its built character and its strong sense of community. I would have hoped that Selwyn District Council could see Upper Selwyn Huts as being a special asset for as long as possible." (MP Andy Foster email to SDC 7/3/2025).
- Security of tenure is a basic human right. The USH residents have not experienced this right for 10 years. They deserve to live in their homes in peace, privacy and comfort with less stress and more certainty.
- USH community does not understand nor agree with the reasons behind a non-renewable Licence.
- USH will continue to challenge SDC if a non-renewable Licence is voted in without justification.

***With all the reasons supporting a renewable Licence, and no reasons given that justify a non-renewable Licence, why can't the next Licence be renewable?***

#### **Summary/In Conclusion**

Selwyn Huts Owners' Association does not agree with any of the three Licence term options provided as they are all non-renewable.

SDC as administrators of a local purpose reserve for the purpose of hut settlement, have legal obligations when administering the reserve. Selwyn Huts Owners' Association does not believe SDC are meeting those obligations. In fact there is compelling evidence that SDC have been actively seeking ways to remove the community since 2017.

There are no reasons provided that justify a non-renewable Licence, however there are many reasons why the next Licence should be renewable.

**For these reasons, the residents seek a Licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) as recommended by our Barrister.**

#### **Question 2: Environmental Events for Early Licence End**

Council's priority is the safety and wellbeing of people in the community. Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a Licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off.
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with? Yes/No

Yes

Please explain your reason:

- **In relation to environmental events, we would like to be treated the same as everyone else in the district.**
- To the best of our knowledge, no mitigation solutions have been investigated by the Council. Mitigation options should be explored thoroughly before confirming events that will trigger retreat. Specific triggers provided here are inappropriate, vague and open to different interpretation. This gives the Council power to terminate Licences unnecessarily.
- The Civil Defence warning system is very effective and the community is also very organised with self-monitoring which enables them to manage their own evacuations if required.
- Flooding of road access is not a reason to warrant retreat.
- USH are not the only users of Days Rd. This road is used by Lower Selwyn Huts; the Ngai Tahu farm house; ECan; users of the lake and the boat ramp; as well as the neighbouring farmers. We believe the Council has a responsibility to maintain this road and this should not affect our future occupancy. Damage to the road is not a reason for USH to be permanently retreated.
- This community is motivated and willing to work with the Council to research any mitigation options. This should happen before any triggers are decided upon.

Are there any additional events that you think should be considered? Yes/No.

Yes

Please add your comments:

- The Council commissioned reports from Aqualinc and ECan which contributed to the conclusion of the Jacob's report 7/3/25 (also commissioned by Council):
  - "a triggers-based approach is not recommended at this stage."
  - "The risk to USH from flooding is no greater than a lot of other areas in the district. The increase in risk is slow over the next 50 years."
  - "The available climate change and flooding information does not seem to support the need to retreat in the next 15-30 years."
  - "Environment triggers and thresholds require more scientific investigation and clear explanation and rationale for the community."

No further research has been carried out in this area and presented to the community, so it is unclear where the events listed in the consultation document have come from?

- Reference to environmental events leading to an early Licence end should only relate to a significant event which has caused serious damage to homes and people or a risk of a significant event that cannot be mitigated.  
If this resulted in confirmation from an independent body that the USH is permanently uninhabitable, a Licence end date could be mutually agreed upon.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

- In the event of a serious environmental event, the next step would be a discussion with the community leading to a collaborative decision on the way forward.

**This community deserves to be treated in the same manner as any other community in the Selwyn District. Forcing their retreat before any significant risk has been identified or any major event has occurred without justification is not acceptable.**

### **Question 3: Bond Requirements**

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a Licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply? Yes/No

Yes

Please add your comments:

- A bond hasn't been required in 130 years. We are requesting a renewable Licence and in line with precedents set in the past, a bond should not be required.
- This is an additional cost to residents at a time when all costs are increasing, possibly significantly.

Do you have any other feedback or suggestions on the inclusion of a bond? Yes/No

No

Please add your comments:

### **Question 4: Building Condition Inspection Programme**

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- Every year



- Every 2 years
- Every 3-5 years
- Only when there's a complaint or issue raised
- Other

Other: Only when SDC receives a complaint.

Please add your comments:

- Buildings should only be inspected when a complaint is made regarding an individual house.
- The USH should be treated like everyone else in the district.
- Pending a legal opinion on the Council's duty of care and the Council's rights to inspect, we are awaiting confirmation as to whether a settlement-wide inspection is lawful.

Do you think the checklist covers the right things?

Yes/No/Not Sure

No

Please specify what you would change:

- This should be a lot inspection only and should not include the buildings as the Council are not landlords of our buildings.
- The Building Condition – External section should be removed in its entirety.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments.

- If there is a problem with the lot, a mutually agreed timeframe to remediate without punitive consequences.
- Support and advice from Council would be helpful if there are any issues.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

- Any issues with an inspection should NOT be a reason to terminate a Licence.
- **Ensuring that no one is made homeless is one of the Council's own guiding principles and assumptions.**

20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May September 2025 – process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

*Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”*

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act—these licences are ~~granted under the~~ Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the **ROLD Act**). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)



reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. **There is no limit on term under that Act.**

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, **which also focus on the community**.
- (iv) **The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).**
- (v) **When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977.****
- (vi) **In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.**

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>3</sup> It varies depending on lease types and the specific activity proposed.

<sup>4</sup> Section 168 ROLD Act and Section 61 Reserves Act 1977

<sup>5</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>6</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>7</sup> Section 3 and 10 Local Government Act 2002.

<sup>8</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>9</sup> Section 10(1)(a) Local Government Act 2002

- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as “significant”, as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

*Under what Act is the power to grant a lease or licence?*

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to “the Commissioner”, this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opuia Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted “The power to grant licences is more constrained than the leasing power.” At [97].

7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding mine**):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

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<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act



appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.

13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

#### *What term can be granted?*

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.

15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.

16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:

- (i) the overarching purpose of the Reserves Act;
- (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
- (iii) lease and licence terms available for various reserve types under the Reserves Act.

17. Under the Reserves Act, the following terms can be granted:

- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)

- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act so it. Guidance under the Reserves Act indicates Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:  
  
*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:  
  
*On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:  
  
"The consultation asks the following two questions:
- (i) *Please select your preferred licence term from the options below*
    - o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?*
    - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?*
    - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?*

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29



*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
- (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
- (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

### **(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

(iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994

(iv) Schedule: **Permanent licences** terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
  - (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rārangī Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.

49. The functions of administering bodies include<sup>50</sup> to **ensure** the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

- (vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;
- (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>;
- (viii) Given the reserve purpose is “hut settlement”, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as “significant”, as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.



## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

(1) The administering body of a local purpose reserve may, in the exercise of its functions under [section 40](#), do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.

(2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the [Public Bodies Leases Act 1969](#).

(2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
- (b) farming, grazing, cultivation, cropping, or other like purposes.

(2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:

- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
- (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

(3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (**UOA**), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

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<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

## Submitter Number: 129

**Full Name:** Zoran Rakovic

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

Other

Concerned ratepayer

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

**To:** Selwyn District Council

**Re:** Submission on Future Deed of Licence – Upper Selwyn Huts

**From:** Zoran Rakovic

**Date:** 20 July 2025

**Submission:** The Council's Proposed Deed of Licence Fails the Test of Community Wellbeing

I write in strong opposition to the tone and structure of the proposed new Deed of Licence (DOL) for the Upper Selwyn Huts community. While the Council claims it is seeking “certainty and clarity,” the proposed terms do not reflect balance, compassion, or respect for the lived reality of residents—many of whom are long-term, low-income, self-reliant citizens who simply wish to live quietly and sustainably without dependence on Council or state assistance.

The Council frames this as a technical and environmental matter. In reality, it is a political and ethical one. The proposed DOL does not promote community wellbeing as defined under **section 10(1)(b) of the Local Government Act 2002**, which requires councils to enable “the social, economic, environmental, and cultural wellbeing of communities, in the present and for the future.”

Instead, what Council offers is a highly conditional, fragile form of tenancy cloaked in procedural language, with the following core defects:

### **1. Arbitrary Termination Timeline**

Council proposes a fixed final date of 30 June 2039, after which no further renewals will be permitted—regardless of compliance, structural integrity, environmental improvements, or resident cooperation. This arbitrary cut-off functions less like a stewardship agreement and more like a slow eviction notice, imposed without due consideration of individual merit or community resilience.

### **2. Overreach and Surveillance**

The proposed inspection regime, while superficially about safety, introduces bureaucratic micromanagement into private lives. Council may inspect, report, demand costly remedial work, and terminate licences for non-compliance—all without any guarantee of support, equity of application, or independent dispute resolution.

### **3. Financial Burdens Without Ownership**

Residents are required to:

- Pay an annual licence fee (subject to yearly increases),
- Contribute to the wastewater pipeline installation (30% share),
- Pay targeted wastewater rates,
- Pay bonds for eventual site remediation,
- Fund repairs to infrastructure they do not own,
- Bear risk of forfeiture of their own dwellings without compensation.

Yet they hold no security of tenure, no equity, no title, and are explicitly barred from registering any legal interest in the land.

### **4. Disregard for Social and Economic Wellbeing**

The Council asserts that the proposed DOL offers “clarity”—but for whom? For the Council, certainly. For residents, it offers a future of escalating costs, institutional surveillance, and ultimate dispossession. These are not abstract risks. They are already

being experienced by residents trying to understand how they are to pay for infrastructure they didn't request and will never own.

This is a community that, by its very nature, should be celebrated. It is a living model of low-cost, low-impact housing. These are citizens asking only to remain in their humble homes, taking responsibility for their own lives, living within their means, and managing their own risks. They are not asking for subsidies—they are asking to be treated with dignity.

**Council should instead be using the flexibility of the LGA to explore alternative tenure models**, or to extend perpetual licences subject to compliance and viability, rather than pre-announcing the death of this settlement. This rigid stance conflicts with the Act's wellbeing purpose and appears engineered to gradually eliminate the community while shielding the Council from responsibility.

### **Recommendations:**

1. **Remove the 2039 final termination date** and allow rolling renewals subject to resident compliance, environmental feasibility, and public interest.
2. **Replace discretionary termination clauses** with a fair, transparent, and independent dispute resolution mechanism.
3. **Reduce or restructure financial obligations**, especially the wastewater levy, which disproportionately burdens residents who have minimal impact on Council infrastructure compared to urban households.
4. **Affirm the social and cultural value** of the Upper Selwyn Huts community and explore creative pathways to support it as an example of alternative living, self-reliance, and minimal environmental impact.

If Council continues down its current path, it will not be remembered as the protector of Te Waihora or upholder of public safety. It will be remembered as the institution that oversaw the dismantling of a peaceful, resilient community—not because it had to, but because it could.

Please let this submission serve as both a protest and an invitation: to do better, to think bigger, and to act in genuine partnership with the people who have built their lives here not out of wealth, but out of will.

Yours sincerely,  
Zoran Rakovic  
[Zoran.rakovic@act.org.nz](mailto:Zoran.rakovic@act.org.nz)  
021 285 1229



Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
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\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

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**From: Zoran Rakovic**

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[Zoran.rakovic@act.org.nz](mailto:Zoran.rakovic@act.org.nz)  
021 285 1229

---

### **Are there any additional events that you think should be considered?**

Yes

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021 285 1229

## Submitter Number: 130

**Full Name:** Nadine Fea

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

**What is your interest in the area?**

i have family and friends in this area

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

there isnt any vaiid reason why the 30 years has not renewable on it

---

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Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive



to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

this should be discussed at the time of an event not pushed on the community at this time by the council, there hasnt been any flooding here for years! To take any of the above actions there should be a meeting of experts in the area as well as the residents

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

to taken in to account what experts say regarding the event

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

a bond has not been needed before and should not be needed now

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

It's not right to subject residents to these inspections, how would you like this to happen to you in your own home

---

**Do you think the checklist covers the right things?**

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 131

**Full Name:** Roxanne Fea

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

Other

General community member

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

I have not ticked any box as all of these options determine a finite timeframe without flexibility for the residents. I have read the Council's reports and statements, and none in my view either reflect the significant historical and social importance of this community and village that spans over 100 years or more critically provide a reasonable or consistent reason for terminating their lease agreements. If some term must be made, for due diligence or whatever, then as long as possible - say 30 years with the right to renew.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

This again seems unfair and somewhat spurious. The proposed threats as outlined above would be the case for residents all across Canterbury, and indeed Aotearoa. Flooding that cuts off a community for 24 hours plus is not unusual, nor can it not be planned for as no doubt the Upper Selwyn Huts residents have done for many, many years. Has the road ever been so badly damaged that it has been rendered unusable? Given the road not only serves residents but also access to the lake, maintenance of the road surely remains the responsibility of the local government authority.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

I would expect that any of these supposed events and resultant actions - remedial or risk management - would be included in the Council's resource and community / social planning as part of its mandate to look after and serve its communities. I would want Selwyn District Council to treat these residents with the same respect, honesty and obligations as for any other resident within the local government area.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

As someone who has worked in New Zealand local government I find the idea of a bond for the residents, surprising, unnecessary and somewhat insulting. The phrase "remediation responsibilities" here further requires a definition and more details as it is unclear to what it refers.

---

**Please add your comments:**

The validity of a bond for remediation is questionable moreover, given the overarching lack of clear & compelling reasoning for the lease termination given by Selwyn District Council.

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Not appropriate or applicable

---

**Please add your comments:**

Again, having worked in local government in NZ I am surprised by this proposal. I question the ethics and even the legality of any local government authority requesting inspections of private residences. I would expect in line with SDC's narrative on environmental threats that arguably site or environmental inspections would make more sense but building inspections as a strategy is a rather abhorrent and draconian proposal.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

As above, I do not support building inspections on ethical grounds.

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**



## Submitter Number: 132

**Full Name:** Michael Glynn

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

All independent evidence and reports have not supported a non-renewable licence. The 'options' above fail to address this fact, being merely of the councils own concoction. The council having failed to find any need for their options are totally operating in a legalistic framework to suit themselves - and others?

Council's role is administrator of a local purpose reserve for the purpose of hut settlement which includes the notion of community. They have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purposes. Other legal obligations also include protecting its historic

values; recognising the community's diversity; and promoting the social, economic and cultural well-being of its community, both now and into the future.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Please explain your reason:

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**Are there any additional events that you think should be considered?**

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

In the first instance the council would do well to address its own Jacobs report.

Mitigation options or solutions should be explored before considering events that will trigger retreat. Specific triggers listed are inappropriate, vague and open to different interpretations.

Reference to environmental events leading to an early licence end should only be along the lines of a significant event causing serious damage to homes and people or a risk of a significant event that cannot be mitigated. If this resulted in confirmation from an independent body, without an agenda, that the USH is permanently uninhabitable, a licence end date could then be discussed.

As an aside one might imagine that Emergency Services in the vicinity of Te Waihora might - in the event of the biblical flooding that the council seems to envisage - have waterborne transport/access - an ARK perhaps.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

**ALL**

---

**Please add your comments:**

Obviously the council have not established any direct evidence for removal but are instead hiding behind legalistic bombast, therefore a bond is moot. The residents by and large cannot afford to lend the council money for no interest Q.E.D!

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

---

**Please add your comments:**

I am not aware that the council has a general policy to inspect older housing throughout their district. This being so it is unjust that a small section of the residents in the district are proposed to have their property treated in this way.

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**Do you think the checklist covers the right things?**

Please specify what you would change

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Our Hut [redacted] was purchased from Mr Gebbie of Gebbie's Pass on the 4<sup>th</sup> of March 1921 by my grandmother Agnes Jane Harris. Her husband Arthur George Harris was a keen trout fisherman. Upon my grandmother's death in 1959 the hut passed to my mother Joyce Glynn – my father John Warren Glynn was also a keen fisherman. About 1987, after my mother's death, he requested to become one of the 12 permanent residents at the Upper Selwyn Huts but was declined. Upon his death in 1990 the hut passed to my brother, sister and myself, the current owners. Our occupation of the hut has always been in accord with the rules concerning residency prevailing at the time.

When the Selwyn District Council took over the administration of the Reserve [1989] it seems such rules fell into abeyance.

This was exacerbated following the earthquakes in 2010/11 and an increasing number of huts became permanent dwellings. Throughout this period the Selwyn District Council did not appear to establish any policy regarding permanent residence at the Upper Selwyn Huts.

The Council attempted to 'tidy this up' in 2015 by approaching the Crown to change the classification of the part of the reserve occupied by the huts from a Recreation to a Local Purpose Reserve – Hut Settlement.

The increased number of residents subsequently added to the load on the wastewater system for which it had not been designed. Along with the fact that the plant effectively discharged into the Te Waihora system this necessitated the recent upgrade.

#### THE PRESENT

In the Mahaanui Iwi Plan 2013 Whanau contend that 'Te Waihora has little protection from the effects of land use on its margins hence the aspiration of manawhenua to be joint consenting authority for the catchment. Activities on the margins of the lake such as grazing, sewage discharge, and run-off have effects on lake health through direct environmental impact, and because they influence the lake level management. For example, **the location of lake margin communities compromises the ability to raise lake levels and manage for fishery values.** The protection of these communities is given priority over and above the tribal property right over the lake bed. The Te Waihora Management Board refers to this as a 'superimposed priority to keep these settlements dry'.

The Council has been contending that there are flooding risks associated with climate change at the Upper Selwyn Huts (in spite of their own Jacob's Report concluding "a triggers-based approach is not recommended at this stage.");

- i. "The risk to USH from flooding is no greater than a lot of other areas in the district. The increase in risk is slow over the next 50 years."
- ii. "The available climate change and flooding information does not seem to support the need to retreat in the next 15-30 years".

"Environment triggers and thresholds require more scientific investigation and clear explanation and rationale for the community".

At no point that am I aware of did the Council convey to the community that there would conceivably be a combined effect of the above – an effect that would also need to be indicated to all property owners on the lake margin.

In this respect the huts are established on what is now the flood-plain of the Waikirikiri above which are three ox-bow lakes (on the Mcleod property, corner Pannetts and Days Rd) On the other side of Pannetts Rd was a stand of native trees suggesting that too was slightly higher ground. The land had been built up by the river prior to the establishment of stop banks. The huts are on relatively higher ground.

It seems to be the case that the distinction between the lake bed per se and the lake flood plain has never been established. While not critical to overall management of the region it is critical to the future status of the Upper Selwyn Huts.

Michael Warren Glynn 20 July 2025

## Submitter Number: 133

**Full Name:** Sean Rooney

**Organisation:**

**Wish to speak to the submission:** No

---

### **What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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### **What is your interest in the area?**

A resident of Selwyn that has been asked by you, the Council, to provide my feedback to inform the new Deed of Licence for the Upper Selwyn Huts community.

---

Council is seeking feedback on three different options for how long future licences should last.

### **Please select your preferred licence term from the options below.**

Rolling 10-year terms (with the ability to renew, up to a maximum of 30 years total, i.e. 10 + 10 + 10 years)

[Please explain the reason for your selection:](#)

**None of the three options are acceptable** because they are all non-renewable terms. The Council has not provided any reasons to justify a non-renewable licence, and independent evidence and reports do not support one.

I have a major concern about the way these questions have been phrased and how they mislead the submitter into answering the question that supports the Council's agenda.

I am also annoyed that you cannot **not** have a tick. **This will skew the results.** If one were cynical one would probably say this was your intent.

Questions should be objective and free from bias or loaded language. This is particularly true for this question (Licence Term Options), where only non-renewable options have been included, implying those are the only options.

I **strongly object** to the way questions are presented in this "consultation".



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**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

A non-renewable licence term has not yet been legally justified by the Council, therefore the preferred option is a *“30 years with rights of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed)”*. (Barrister Clare Lenihan)

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. **Flooding affecting access:** Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. **Destruction of road cutting off vehicle access:** A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. **Serious harm caused by a flood event:** Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

1. **Flooding affecting access:** Access being cut off for a period of 24 hours is not a valid reason to warrant the retreat of a community. It would not happen anywhere else in the district.
2. **Destruction of road cutting off vehicle access:** The Upper Selwyn Huts residents are not the only users of Days Road. Other users include Lower Selwyn Huts, DOC, ECAN and other users.

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

The Jacob's report instigated by the Council identified that environmental triggers and thresholds require more scientific investigation and clear explanation and rationale.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

The community are not experts in managed retreat and therefore should not be expected to propose environmental events that would warrant retreat, especially considering that these events may be used as a baseline for other Selwyn residents.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

A bond hasn't been required up until now, so why?

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**Please add your comments:**

Considering that a licence is not bound by any finite term, requiring a bond would be unreasonable for a prolonged period of time.

Would there be a mechanism for paying accrued interest? Repayment once a certain threshold had been met?

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

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**Please add your comments:**

**None of the above options** are preferred. I am not aware of any other residents in the Selwyn being required to have their properties inspected at regular intervals by the Council. Is this requirement even legal?

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

No, I do not think this checklist covers the right things. It is pervasive and possibly illegal.

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Considering the Council's actions up until now, can the Upper Selwyn Huts homeowners even trust the Council?

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

The Council should be making every effort to keep people in their homes given the current housing shortage and lack of social housing. "Ensuring that no one is made homeless" is one of the Council's guiding principles and assumptions.

20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May September 2025 – process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

*Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”*

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act—these licences are granted under the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the ROLD Act). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)

reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. **There is no limit on term under that Act.**

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, **which also focus on the community**.
- (iv) **The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).**
- (v) **When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977.****
- (vi) **In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.**

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> **A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.**

<sup>3</sup> **It varies depending on lease types and the specific activity proposed.**

<sup>4</sup> **Section 168 ROLD Act and Section 61 Reserves Act 1977**

<sup>5</sup> **In accordance with the ROLD Act, Council can only grant a licence, not a lease.**

<sup>6</sup> **A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.**

<sup>7</sup> **Section 3 and 10 Local Government Act 2002.**

<sup>8</sup> **Being a New Zealand community, as set out in section 3 Local Government Act 2002**

<sup>9</sup> **Section 10(1)(a) Local Government Act 2002**



- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as “significant”, as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

##### ***Under what Act is the power to grant a lease or licence?***

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to “the Commissioner”, this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opuia Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted “The power to grant licences is more constrained than the leasing power.” At [97].



7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding mine**):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

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<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act

appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.
13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

***What term can be granted?***

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.
15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.
16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:
- (i) the overarching purpose of the Reserves Act;
  - (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
  - (iii) lease and licence terms available for various reserve types under the Reserves Act.
17. Under the Reserves Act, the following terms can be granted:
- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)

- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act so it. Guidance under the Reserves Act indicates Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:  
  
*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:
- On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:

"The consultation asks the following two questions:

- (i) *Please select your preferred licence term from the options below*
  - o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?*

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29

*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
- (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
- (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

### **(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

(iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994



(iv) Schedule: **Permanent licences** terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
  - (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rārangī Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.

49. The functions of administering bodies include<sup>50</sup> to **ensure** the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

- (vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;
- (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>;
- (viii) Given the reserve purpose is “hut settlement”, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as “significant”, as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.

## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

(1) The administering body of a local purpose reserve may, in the exercise of its functions under [section 40](#), do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.

(2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the [Public Bodies Leases Act 1969](#).

(2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
- (b) farming, grazing, cultivation, cropping, or other like purposes.

(2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:

- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
- (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

(3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (**UOA**), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

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<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

## Submitter Number: 134

**Full Name:** Gabrielle OBrien

**Organisation:**

**Wish to speak to the submission:** No

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**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

---

**What is your interest in the area?**

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

I would prefer a 30 year term with the option to renew/extend after 30 years

---

**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

I would prefer not to make a submission under the current lack of confidence in SDC and the walk-out, including the deputy mayor. I would prefer to wait for the election of a new un-biased council

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental



events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

There are many homes in the Selwyn district which are more seriously affected than the USH. Are those new residents being treated the same way that you are treating USH residents? If not, why not?

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

We do not live in a nanny state. Its should be up to home owners to research risks and take appropriate action

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

I disagree with the notion of a Bond. We are ratepayers and want to be treated the same as all other ratepayers, none of whom are being asjed to pay a Bond

---

**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Never. Why are inspections deemed necessary?

---

**Please add your comments:**

Is SDC planning to inspect every home in the District? We built our home in 2006 in good faith, getting a Pim, Lim and complied with all the Building regs.

Complaints have been ignored by council in the past, leaving me with no confidence in the procedure

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

No inspection. I believe that this is an infringement of citizens private rights

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication grants for improvement**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

I do not agree in principle with the suggested inspection procedure

## Submitter Number: 135

**Full Name:** Andrew Bowring

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

I am taking the advice from our Barrister Clare Lenihan's which is as follows

Residents seek a licence term of 30 years with the rights of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed) as recommended by our Barrister, Clare Lenihan 20 June 2025.

Clare Lenihan's Opinion concludes:

Legal Obligations: Council's role is administrator of a local purpose reserve for the purpose of hut settlement which includes the notion of community. They have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purposes. Other legal obligations also include protecting its

historic values; recognising the community's diversity; and promoting the social, economic and cultural well-being of its community, both now and into the future.

Licence Term: The Council is not bound by any finite licence term and can grant a licence for more than one term of 33 years under the ROLD Act 1924 or the Reserves Act 1977. They are also not bound by their 2019 resolution that hut licences are short term and ultimately finite.

Other Reasons to Grant a renewable licence:

The Council has not provided any reasons to date that justifies a non renewable licence. All independent evidence and reports do not support a non renewable licence.

The following are the previous and current reasons that SDC has used for a non renewable licence, followed by our counter point of view.

ECAN/Aqualinc confirmed climate change is not an issue.

Wastewater issue has been resolved.

Details of cultural reasons have not been provided.

Duty of Care – is not a reason to terminate a local purpose reserve licence to occupy. Duty of Care is a legal obligation not to be contracted out of.

Repair of the sewer reticulation system. This was listed as SDCs responsibility in Tim's March 2024 report. SDC has a legal obligation to repair and maintain this.

o Stop bank at USH overtopping. There is no evidence of where the river will overtop. We believe it will overtop the opposite bank before it does here, but we have asked ECAN for this information.

Wider Selwyn community tensions. We believe these have been artificially fueled by SDC press releases.

Concerns over evacuations. Self evacuations are well managed by the community. Being cut off for a few days does not concern our residents. We should be treated like any other area of Selwyn that gets cut off.

A 30 year term is preferred for a renewable licence:

This process has been incredibly taxing and detrimental to all, 30 years will finally give us security of tenure, a basic human right.  
30 years will minimise ratepayer funds being used for licence renewals.

A non renewable licence term as not yet been legally justified by the Council, therefore preferred option is a "30 years with rights of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed)". (Barrister Clare Lenihan)

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Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

We do not consider access being cut off for 24 hours a valid reason to warrant retreat.

We would like to be treated the same as if access to any other area of Selwyn is cut off.

The Council has not provided any criteria (such as water level) that warrant a decision of access being unsafe/cut off. Civil Defence have stated to us that their teams will always “look at different methods to gain access if required”.

USH are not the only users of Days Road. This road should be maintained as the main access to the lake. Users include USH, LSH, the farm house, DoC, ECAN and users of the boat ramp to the lake. Destruction of this road is not a reason for USH to be permanently retreated.

Closing a rural road is not a simple process as it involves an application to the Minister of Lands and consultation. We believe the Council has a responsibility of maintaining this road and this should not affect USH's licence to occupy.

Mitigation options should be explored before considering events that will trigger retreat. Specific triggers provided are inappropriate, vague and open to different interpretation. This gives the Council power to terminate licences unnecessarily.

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**Are there any additional events that you think should be considered?**

No

Please add your comments:

As identified by the Council's own Jacob's report, environmental triggers and thresholds require more scientific investigation and clear explanation and rationale for the community. This has not yet been completed.

Reference to environmental events leading to an early licence end should only be along the lines of a significant event causing serious damage to homes and people or a risk of a significant event that cannot be mitigated. If this resulted in confirmation from an independent body, without an agenda, that the USH is permanently uninhabitable a licence end date could be mutually agreed upon.

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

The same thing we have been asking for, community led decision making on anything that affects us, including collaboration with and empowerment of our community, as we did for 116 years pre 2011 before the Council took over from the Committee.

Without Council offering relocation or compensation consistent with international standard practice of managed retreat, the community has a very high threshold for risk making a trigger-based approach difficult to agree on.

The USH are not experts in managed retreat and therefore should not be expected to propose environmental events that would warrant retreat, especially considering that these events may be used as a baseline for other Selwyn residents.

Jacob's report 7/3/25 concluded:

- i. "a triggers-based approach is not recommended at this stage.";
- ii. "The risk to USH from flooding is no greater than a lot of other areas in the district. The increase in risk is slow over the next 50 years."
- iii. "The available climate change and flooding information does not seem to support the need to retreat in the next 15-30 years".
- iv. "Environment triggers and thresholds require more scientific investigation and clear explanation and rationale for the community".

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

No

Please add your comments

Additional cost to residents at a time when our costs are increasing, possibly significantly.

Hasn't been required for 130 years, why now?

Bond details have not been included. eg. how much, paid over what period, what does the bond cover etc.

We are requesting a renewable licence therefore a bond should not be required.

---

**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**  
No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

---

**Please add your comments:**

None of the options provided are preferred.

We'd like to be treated the same as everyone else in the district.  
Inspect only when you would other properties in Selwyn.

External inspection only.

Pending a legal opinion on the Council's duty of care and the Council's rights to inspect, we are unsure whether a settlement wide inspection is lawful.

The Council have repeatedly talked about a baseline inspection; this should only happen once.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

More details and measurements of what is being checked and what the consequences would be if any of these items are failed.

Failing any items in the inspection checklist should not lead to licence termination.

"External weathertightness – roof and walls – sound, durable, weatherproof, and maintained". This item is too broad and subjective.

Community is concerned that failing items in the inspection checklist will lead to unnecessary and intrusive internal house inspections.

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Mutually agreed time to remediate without punitive consequences.

Open two way communication during the remediation period.

Support and advice from Council would be helpful if there are any issues.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 136

**Full Name:** Susan Rogers

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

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**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

I don't agree with any of the above terms. I want a 30 year term with a right of renewal for another 30 years, subject to agreed triggers. I have attached our Barrister's amended legal opinion in support of this. It is clear in the Reserves Act that Licences can be renewed. Why are you only offering non renewable terms?

The Licence has the word permanent' in it 5 times - see attached Barrister's opinion so we have an expectation of being able to continue to live here.

A guiding principle at the March 2025 public excluded meeting was that no one should be made homeless and here we are giving feedback on a document that proposes that. Why did you ignore your guiding principle?

SDC has spent money on a 'consultation' process and here we are more or less back in the same place as we were in March 2024 - it appears the decision has been predetermined and our feedback not listened to at all.

The next Council is going to be very different and we feel that major decision should not be made until after the elections. We feel that a decision to remove our community is a major decision.

The SDC is required to manage a reserve "for better carrying out the purpose of any reserve" for the purpose for which it was classified and to protect and preserve the reserve for the purpose for the purpose for which it was classified. The SDC is doing the reverse of this by trying to remove our community.

SDC should also be trying to protect this reserve due to its historical significance of which you are aware. The Buddle Findlay letter (7<sup>th</sup> March, 2019) states:

“we would not find it particularly surprising if there was expert support of there being heritage values of some kind in at least some of the Huts, or the area as a whole, given it's history. Notably the Huts were apparently established in 1895, which in itself could potentially mean they have relevance as an “archaeological site” for the purposes of the Act (ie being associated with human activity before 1900”

We will also shortly have a Statement of Significance from historians Underground Overground Archaeology (UOA) (attached) which concludes that The Upper Selwyn Huts is an archaeological site and the place also contains significant heritage values. Their recommendations are:

- That the huts remain on their current site;
- That the Upper Selwyn Huts are added to HNZPT's List/Rārangi Korero as a historic area;
- That the Upper Selwyn Huts are added to Selwyn District Council's District Plan heritage schedule.

SDC has been trying to find ways to remove us since at least 2017 and each time the suggested problem with us being here has been addressed. What is the current reason?

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

The road being cut off is not an issue. Emergency vehicles would not need to get through as Civil Defence at the Council and the team at the Huts work together and in a major flood event we would have time to evacuate as we monitor the river data and liaise with Council's Civil Defence staff. Should there be an unexpected flood and the road cut off with people here then a number of people have four-wheel drive vehicles so someone would be able to get out to get help in a medical emergency. A number of locals have offered their trucks and tractors to help.

Days Rd is the access way to the Lake, the Lower Huts, the Ngai Tahu farmhouse, the Selwyn Huts and a number of farms - I understand that at the Council meeting it was said that this would not be a trigger as the road would be repaired. I don't believe SDC would not repair this road.

If there was serious harm caused by a flooding event then that would be a question for that time. There would be questions to ask at the time - would it mean that the Council did not advise of the risk at the time? Was there advice given to evacuate and



someone didn't follow it? If it was either of those 2 questions why would that mean everyone had to lose their home?

As per the Jacob's report, the risk to USH from flooding is no greater than a lot of other areas in the district. The increase in risk is slow over the next 50 years.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

As per the Jacob's report, it is too soon to discuss triggers and more research needs to be done on this. Triggers also need to be decided in true consultation/collaboration with the community and also any possible mitigation factors need to be considered.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

If there was a serious flooding event, we should be treated as other communities (e.g. Doyleston's recent flooding) are. There should be a conversation with the community to decide what is next. We should not be forced out of our homes in advance of any possible significant event. That is mismanaged retreat.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

Why is a bond needed? A bond has never been required in all the years we have been here.

---

**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

Our buildings should only be inspected when a complaint is made regarding an individual house. We should be treated as the rest of the district. Advice has been received from other Councils that inspections of privately owned homes can only occur with cause – not a blanket inspection. In view of this, we are now waiting for a legal opinion on the inspections.

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

If there is an inspection, it should only be of the section and not the exterior or the interior of the houses.

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

If a problem is found then a clear explanation of the concern given and also a reasonable time frame to fix.

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

I have spoken to an owner here who was subject to an inspection by the Council. SDC paid for a skip to take things but then he was billed apparently \$5,000 for subsequent skips. He had to repay that to the Council which caused him significant financial strife. He felt he had no choice but to agree with that when other solutions could have been found.

Another owner had his house red stickered because the Council had poor record keeping and had no record of a permit he had. This should not happen. If a complaint is made about a property or a problem found with the lot, the owner should be encouraged to have community support when dealing with staff and when looking for ways to remedy problems.

20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May September 2025 – process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

*Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”*

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act—these licences are ~~granted under the~~ Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the **ROLD Act**). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)

reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. There is no limit on term under that Act.

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, **which also focus on the community**.
- (iv) The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).
- (v) When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977.**
- (vi) In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>3</sup> It varies depending on lease types and the specific activity proposed.

<sup>4</sup> Section 168 ROLD Act and Section 61 Reserves Act 1977

<sup>5</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>6</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>7</sup> Section 3 and 10 Local Government Act 2002.

<sup>8</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>9</sup> Section 10(1)(a) Local Government Act 2002



- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as “significant”, as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

*Under what Act is the power to grant a lease or licence?*

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to “the Commissioner”, this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opuia Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted “The power to grant licences is more constrained than the leasing power.” At [97].



7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding** mine):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act

appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.
13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

***What term can be granted?***

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.
15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.
16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:
- (i) the overarching purpose of the Reserves Act;
  - (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
  - (iii) lease and licence terms available for various reserve types under the Reserves Act.
17. Under the Reserves Act, the following terms can be granted:
- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)

- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act so it. ~~Guidance under the Reserves Act indicates~~ Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:  
  
*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:
- On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:

"The consultation asks the following two questions:

- (i) *Please select your preferred licence term from the options below*
  - o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?*

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29

*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
  - (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
  - (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

### **(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

(iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994



(iv) Schedule: **Permanent licences** terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
  - (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rārangī Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.

49. The functions of administering bodies include<sup>50</sup> to **ensure** the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

- (vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;
- (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>;
- (viii) Given the reserve purpose is “hut settlement”, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as “significant”, as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.

## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

- (1) The administering body of a local purpose reserve may, in the exercise of its functions under [section 40](#), do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.
- (2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the [Public Bodies Leases Act 1969](#).
- (2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:
- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
  - (b) farming, grazing, cultivation, cropping, or other like purposes.
- (2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:
- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
  - (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.
- (3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (**UOA**), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

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<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

## Submitter Number: 137

**Full Name:** Kate Pollock

**Organisation:**

**Wish to speak to the submission:** No

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### **What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

### **What is your interest in the area?**

close friend living at selwyn Huts

---

Council is seeking feedback on three different options for how long future licences should last.

### **Please select your preferred licence term from the options below.**

Rolling 10-year terms (with the ability to renew, up to a maximum of 30 years total, i.e. 10 + 10 + 10 years)

#### **Please explain the reason for your selection:**

- \* 30 year licence with rights of renewal for further terms of 30 years conditional on triggers is a fair term given the lack of reasons justifying a non-renewable licence.
- \* No reason given that justifies a non-renewable licence.
- \* Council commissioned reports do not support the next licence being non-renewable.
- \* Before a non-renewable term is agreed community need to be given evidence of risk and the opportunity to mitigate that risk.
- \* A decision for a non-renewable licence should be community led not forced upon the community.
- \* administering a local purpose reserve comes with obligations which the council isn't meeting.
- \* There are many reasons to justify a renewable licence:
  - # USH never flooded in 130 years
  - # Significant heritage values that should be protected
  - # current affordable housing shortage
  - # USH is unique and should be recognised as an asset
  - # you don't understand why the Council or forcing this decision
  - # without a justifiable reason for non-renewable the community and their supporters will



continue to challenge the Council wasting time and money on both sides.  
# Council should be finding ways to help the settlement and community stay.

---

**Do you have any other feedback on licence terms?**

No

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**Please add your comments:**

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

\* USH wants to be treated like everyone else in the district.

\* USH should be given the chance to mitigate any proven risks before trigger points are decided

\* examples 1 & 2 are not appropriate to make someone homeless and they are vague.

\* being cut off for 24 is not an issue and the road should be maintained regardless as there are many users of this road other than USH. It is an excess to the lake.

---

**Are there any additional events that you think should be considered?**

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

- \* USH wants to be treated like everyone else in the district.
  - \* USH should be given the chance to mitigate any proven risks before trigger points are decided
  - \* examples 1 & 2 are not appropriate to make someone homeless and they are vague.
  - \* being cut off for 24 is not an issue and the road should be maintained regardless as there are many users of this road other than USH. It is an excess to the lake.
- 

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Please add your comments

---

**Please add your comments:**

The bond has not been needed before and with no justifiable reason for a non-renewable licence a bond is not needed now

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised  
Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

USH should be treated like everyone else in the district which is when a genuine complaint is received by the Council.

\* is a settlement wide inspection program even lawful?

\* you probably don't need to go into any more than that as this should also be community led.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 138

**Full Name:** Chris Rossiter

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

None of the above options are acceptable or even legal. The Reserve on which the Upper Selwyn Huts stand is gazetted "Special Purpose Reserve, Hut Settlement". As such, SDC has a moral and legal obligation to protect and enhance the reserve for that stated purpose. There has been no reason supplied for a finite term.

I refer you to Claire Lenihan's opinion dated 20 June 2025. Specifically, points 37 through 43.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

The above reasons are arbitrary and open to abuse by Council staff. As a matter of fact, in my 22 years of residence at the Upper Selwyn Huts, Road access down Days' Rd has only been cut off twice by flooding. The idea of the road being left unrepaired after any event is laughable as road access is a core Council responsibility.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

My house was a new build 15 years ago and still has a sale for removal value.

Additionally, there is no legally justifiable reason to enforce it's removal.

---

**Please add your comments:**

This would be the only settlement in the Selwyn district to have a bond for removal clause. It is therefore discriminatory in the extreme!

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Not at all

---

**Please add your comments:**

Again, this would be the only community in New Zealand to require such an intrusive process. Totally discriminatory!

---

**Do you think the checklist covers the right things?**

Please specify what you would change

---



**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**  
There should be no such inspection.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**  
There should be no such inspection.

## Submitter Number: 139

**Full Name:** Kerry Glynn

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

As per the Owners Association there is no justification in making non-renewable licence and this is contrary to the intent of keeping a Huts Settlement as required by, I think, the Reserves Act. In the absence of any publicly shared/stated reason the historical precedent of the last 130 years should be preserved. If there's a reason then it should be consulted on to verify it and response agreed by the two parties. .

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

The council commissioned consultation by Jacobs and part of that consultation regarded this question. Reports from that process by ECAN and Aqualinc found NO reason for triggers at this time. That was recorded in the final Jacobs Report. You can't pick and choose the results of what you commissioned.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

As per above NO TRIGGERS. If anything changes that's an opportunity for discussion by the parties. We are not unreasonable people - we just don't like being ignored.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Consultation - not a consideration - A REQUIREMENT.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

There should not be a bond. No bond has been required for 130 years. The introduction of a bond is bad faith as it foresees a removal which should NOT be required in this licence. No issues have arisen within the community that would precipitate such a requirement.

---

**Please add your comments:**

There should NOT BE A BOND. No reason for such exists unless the council intends to force issues through licence terms which would be unreasonable. Further the council has allowed building on the sites without constraint such as any bond. They have facilitated the creation of larger and higher cost removal without requirement of a bond. Additionally the council allowing permanent residence has created an asset value and expectation of permanency. No bond should be required for an ongoing hut community.

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Never

---

**Please add your comments:**

These properties are the private ownership of people. The council has no right to enter any property for any inspection. No justification of this is given / stated.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

There should NOT be any inspection. Perhaps if the council had done their job on their controlled land this would not be an issue they feel necessary to progress.

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Not applicable. There should NOT be an inspection. Normal SDC operations would apply I assume.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Not applicable. There should NOT be an inspection.

## Submitter Number: 140

**Full Name:** Lucy King

**Organisation:**

**Wish to speak to the submission:** No

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### **What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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### **What is your interest in the area?**

My family has always fished in the area so aware of the environment and councils involved and limited council accountability.

I think it has ramifications for all owners on leasehold land and on council rated land when council should manage the eel exit. Let locals decide if they no longer want to live there.

---

Council is seeking feedback on three different options for how long future licences should last.

### **Please select your preferred licence term from the options below.**

Rolling 10-year terms (with the ability to renew, up to a maximum of 30 years total, i.e. 10 + 10 + 10 years)

[Please explain the reason for your selection:](#)

The longer option of 10 yearly review and right of renewal ie secure property rights has been removed by Selwyn DC.

Huts that are pre 1895 do not need to be removed but are historic. It sets a bad precedent for all humble property owners and family groups.



We remember Dudley Creek.

We watch Westport and Kapiti Coast similar council overreach. Power misuse.

---

**Do you have any other feedback on licence terms?**

No

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**Please add your comments:**

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

These events are too easily manufactured by failure to do maintenance tasks as done in the past.

No vehicle access for 2 days is an extremely low bar. Again let those that are local decide local things. Remote location can be a good thing despite inconveniences at times.

Geo engineering has caused flooding for example overseas.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Property rights.

Residents employ the council, not the other way around.

This looks like those with lawyers against those with limited funds, using rates to pay lawyers to fight ratepayers.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

This presumes council will succeed in sending away our people. Who will make money if this happens? Follow the money and make the right choice.

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

---

More loading people up with costs.

---

**Do you think the checklist covers the right things?**

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**  
Only if it was raised by a resident should these apply at all.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

This is adding to the fear factor. Stop when council has shown no loyalty to NZers.

## Submitter Number: 141

**Full Name:** Joel Laurance

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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**What is your interest in the area?**

My grandfather used to live there

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

None if these options are acceptable - there should absolutely be an option for renewal as I do not believe it is ok to kick people out of there homes just because there MIGHT be a risk being posed from climate change - all options you present above are discriminatory. I select 30 years RENEWABLE!

---

**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

I am aware that the council has tried to press a Code of Conduct onto the community members of the Selwyn Huts - this is also in my view discriminatory and i believe it is in breach of their human rights - they should be subject to the same rules as all other property owners in Selwyn District and nothing more

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

No conditions should be included in the Selwyn Huts Deed of Licence that would not pertain to any other property owners in the Selwyn District - these residents deserve to have their right and need to reside respected to the same degree as anyone in Selwyn because as per the Treaty of Waitangi every New Zealander should have a place to stand and their attachments to their land should be respected : EVEN if they pay a lease on the land

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

As stated, considerations should reflect those which residents of the wider district are subject to - no more and no less

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Party of treatment should be the first consideration : i.e. decisions should be made with regards to any and all affected Selwyn district residents in the same way

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

A bond requirement should definitely NOT apply in ANY circumstance as these properties were in existence long before the current owners were born: the establishment of this community is therefore not their responsibility. Further, a bond would equate to a form of unjustified disadvantage as it would financially disadvantage community members and present as an anomaly, with it currently not being something that communities in NZ are being required to pay even if they are in areas likely to be adversely affected by climate change

---

**Please add your comments:**

Leave the licence's renewable, and leave residents therefore in a position where they are able to get insurance on their homes as per other New Zealanders, and let the cover from natural disasters be negotiated between property owners, government, and insurance companies just like that which occurs and has occurred for other emergencies such as the christchurch earthquake - a bond is totally, and absolutely unjustified

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

no more or less than would occur for any other home owner in the Selwyn District

---

**Please add your comments:**



There is no reason to have different inspection rules than that which is been applied to other homes in the district of similar age - if the council chooses to apply different rules to Selwyn Huts residents, they are once again discriminating - and against community members who contribute just as valuably to the community as any others : especially with the community been made up of families who live and shop locally.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

The checklist is full of items which other property owners of homes in Selwyn District would not expect to be inspected for - it is not needed at all and is also discriminatory

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

These questions dont make any sense, they are unacceptable - targeting- bullying; you are basically asking how people from a small section of the Selwyn district should be treated differently to other people residing in the Selwyn District district, and in what ways they should be treated differently. This is really not ok, your council is supposed to help not harm the people in its community

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Again, no checks that would be additional to that which any other property owner of the wider Selwyn district would be subjected to are justified

## Submitter Number: 142

**Full Name:** Chris Lee

**Organisation:**

**Wish to speak to the submission:** No

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**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

Chose this only because our preferred option of an unlimited licence is not offered ,and feel like otheres that it should have been allowed.

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

My partner and I Gabi Obrien prefer a licence that is not limited.

We invested and built to the latest expected standards as were current back in 2006,no hint of the current restrictions trying to be imposed were given

No reason given by SDC as to the demise of dwelling there appear plaiusible and valid

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

We had our building erected to the standards you asked for. If you knew the above mentioned were possible they should have been stated at the time.

I also understand buildings set lower than ours have since been allowed between the sea and Lincoln. Have owners of these homes also been informed of these possibilities and been given similar possible deadlines

It seems Selwyn Upper Huts are being especially targeted ...Why?

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

As we met your asks when building then any eviction or leaving of the site based on your new reasoning should be met with full compensation

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

SDC have no reason to ask for such a bond after making us jump through hoops to meet their building requirements

They should instead be offering full compensation.

---

**Please add your comments:**

Do not even ask for one. It is an insult and shows SDC as being heartless

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

---

**Please add your comments:**

To meet the same conditions imposed throughout Selwyn District.

If you consider us a doecial csse then you should not have allowed us to build there.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

Selwyn Huts as a whole should not have to meet specialist inspection . Council have been begligent and never acted on complaints made from us before within the huts

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**  
Improvement grants and full supprt.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

No

## Submitter Number: 143

**Full Name:** Margaret lynne Lowery

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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**What is your interest in the area?**

local support of it staying as is in our community

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Rolling 10-year terms (with the ability to renew, up to a maximum of 30 years total, i.e. 10 + 10 + 10 years)

**Please explain the reason for your selection:**

these are homes people brought when they could afford them. The land is used and looked after housing family's and single people who need there homes and Wong be able to afford to get another on the market at what they have .

---

**Do you have any other feedback on licence terms?**

No

---

**Please add your comments:**

---

Council's priority is the safety and wellbeing of people in the community.



Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

No

Please explain your reason:

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

build a bridge over the problems to solve them

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

No

Please add your comments

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 144

**Full Name:** Judith Smart

**Organisation:**

**Wish to speak to the submission:** No

---

### **What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

### **What is your interest in the area?**

I am not an owner but my family have a long history at the Huts. My great grandmother owned in the early days, my grandparents and my parents. A number of my relatives also owned and some lived there full time while others used their house as a bach. I spent a lot of my time there with my children over the years. I still have family members who own and holiday there.

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

I choose none of the above – the Licence should run for 30 years and should be able to be renewed subject to environmental triggers. These triggers should be agreed with the community and as your consultant said, there needs to be more research.

The reason for trying to evict the people at the Selwyn Huts seems to shift - began with sea level rise then fire safety and so on. As each reason was challenged and found wanting, the reasons seem to shift. This feels like either a vendetta against the owners or else the real reason for removing them is being concealed.

This vendetta is a cost to the ratepayers (including the owners at the Huts) and a huge cost to the owners both financially and emotionally. The Council has unlimited resources while the owners don't. In publicising the cost it would seem you are trying to turn the wider community against them as the rate rise is already a huge concern to people and no doubt this cost will be added to the rates.

There is a huge power imbalance here – you hold all the power and while pretending to have offered consultation, really the outcome has been predetermined from the start. Last year the longest term offered was 30 years and this year the same. How was that consultation if you didn't listen? You also seem to be trying to rush this through before the elections. A new Council should be dealing with this as they are the ones who will continue the process.

The Council has embraced biculturalism and rightly so. This also means celebrating and holding on to Pakeha history and Pakeha historical sites. As pointed out in the Buddle Finlay letter of March 2019:

“we would not find it particularly surprising if there was expert support of there being heritage values of some kind in at least some of the Huts, or the area as a whole, given its history. Notably the Huts were apparently established in 1895, which in itself could potentially mean they have relevance as an “archaeological site” for the purposes of the Act (ie being associated with human activity before 1900).”

“If part or all of the Huts were to be entered on the Statutory List as a historic area, the most notable consequence would be that HNZPT could then “make recommendations to [the Council] as to the appropriate measures that [the Council] should take to assist in the conservation and protection of the historic area”, to which the Council must “have particular regard”.

Following tikanga means observing a basic tenement of this: he tangata, he tangata, he tangata – the people, the people, the people.

The Council are entrusted with care of their ratepayers and residents, not making threats against their homes.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

There has been no history of flooding at the Selwyn Huts and Mark Mitchell stated on TV that he thought the residents seemed to have a good understanding of how to keep themselves safe from any potential river rise.

There needs to be more research on triggers according to the report by Monique Eade and it should be done in consultation with the community and I mean real consultation. You are not going to close an important road that serves more than the Selwyn Huts. It is ridiculous to suggest that they should become homeless if the road is closed twice a year – your Civil Defence people would have alerted them to potential flooding and they would have gone before this happens. I don't believe the SDC would refuse to repair an important road that gives access to a number of people, not just the people at the Huts

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

SDC paid for a consultants to look at this and the outcome was that it is too soon to decide on triggers - more research is needed. It was also said that the Huts are at no more risk than anyone for flooding. What about considering mitigation?

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

If the settlement flooded and there was injury or death we would be wanting answers as to why you didn't warn them of what was coming. This is also something to be decided with the community at the time

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

No bond. Why have a bond? It has never been needed before

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other



---

**Please add your comments:**

Council should not target an entire community for house inspections. Inspections should be based on complaints. I have heard you want to do a 'baseline' inspection as unless there are permits held for work done, you have no records of the buildings. In Selwyn there are many old houses, farm cottages and workers huts which may or may not be of a high standard and you may not have records of those buildings but you are not proposing to inspect those. Singling out an entire community sounds like persecution to me.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

I can understand if the Council want to inspect the sections as they administer the Licences but nothing more unless there is a complaint.

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

If there is a problem then making sure the owner understands what the problem is and how it can be fixed. Give them reasonable time to do that

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

As above

## Submitter Number: 145

**Full Name:** Nigel Powell

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

It gives residents more certainty to go about their lives

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

I don't believe that owners should be limited at all and that it should be open ended with a caveat that it depends on whether climate change has actually gotten to the point that things are too bad or if not, life at the huts can go on indefinitely. This is to protect the historically significant huts and the area where many of us grew up. And with housing security being a big issue at present I believe the council should also be concerned about the wellbeing of those who face being kicked out of their homes.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

I don't think that the destruction of the access road is a valid reason to evict people... the council has a duty to repair roads. The West Coast and other councils do this all the time. Even Marlborough are doing a better job of keeping access to communities open. Why not you? And emergency services don't always access communities via the road.... they have boats! They use them in Auckland and other places when necessary, why not Selwyn?

I also think the phrase "too expensive to maintain" is too ambiguous and needs to have a far greater clarity around it. How much are we talking?

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

I don't think it is right for people to have to pay to demolish their own home and even then, with no clarity on how much they are going to have to pay.

---

**Please add your comments:**

It seems like the council are trying to push people out who obviously can't afford to pay the costs you are suggesting. Shouldn't the council be more concerned with helping those that need it rather than covering the district with pretty new homes of people with money to burn?

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Should be treated the same as everywhere else in the district

---

**Please add your comments:**

Hut owners shouldn't be treated different to others in the district. Old homes won't meet modern building standards but are you going around and looking at all the old farmsteads or houses around Ellesmere? I think not. This is just another invasion of privacy and way of trying to push people out.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

The checklist is too vague and open to interpretation. Is this acceptable to use all over the district? It needs to be clear as to exactly what is being said, not a load of waffle

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

All they can give. What a stupid question. Why wouldn't you support them and be in close communication? This should be the same as when you find issues anywhere else in the district, not a special case. I can't believe you are even considering such. Mr Broughton should be looking after his own community instead of racing around the country trying to be a perfect example to others when he isn't.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 146

**Full Name:** Craig Trusler

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

We want a 30 year Licence with the right to renew for another 30 years subject to agreed environmental triggers.

This is because of the legal advice our community received from our Barrister in June of this year (attached). This says that you need to consider your obligations as administrators of this reserve (both the community and preserving the history). SDC has been trying since at least 2017 to find ways to remove us and keep trying to find new reasons for this. We haven't been given the current reason so I am asking why are you doing this?



SDC agreed last year to a period of consultation but we haven't been heard. The term of 30 years with no right of renewal is essentially the same as the 30 year finite term offered last year. True consultation would have had a box for me to tick that offered a renewable outcome. You have wasted time and money on consultants and community meetings and ignored what was said.

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Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

I disagree with all of these. No road access for 24 hours doesn't matter as we would be gone by the time that happens if your Civil defence people are doing their job. If it happened and we were given no warning by you then in an emergency we have a number of 4 wheel drives and friendly neighbours also with tractors who could help. SDC would need to repair the road if it was damaged as it is access for a number of people, not just us. It is also the road to the lake.

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

If people were killed or injured in some kind of an event then the conversation about the future should be held then.

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

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Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

There is no need for a bond

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**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

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**Please add your comments:**

Treat us the same as the rest of the district and only act on a complaint

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

Should only cover tidiness of the sections

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Clear communication and encouraging owners to have a friend with them during the section inspection

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

as above

20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May September 2025 – process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

*Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”*

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act—these licences are granted under the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the ROLD Act). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)

reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. There is no limit on term under that Act.

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, **which also focus on the community**.
- (iv) The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).
- (v) When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977**.
- (vi) In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>3</sup> It varies depending on lease types and the specific activity proposed.

<sup>4</sup> Section 168 ROLD Act and Section 61 Reserves Act 1977

<sup>5</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>6</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>7</sup> Section 3 and 10 Local Government Act 2002.

<sup>8</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>9</sup> Section 10(1)(a) Local Government Act 2002



- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as “significant”, as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

*Under what Act is the power to grant a lease or licence?*

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to “the Commissioner”, this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opuia Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted “The power to grant licences is more constrained than the leasing power.” At [97].



7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding mine**):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

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<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act

appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.
13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

***What term can be granted?***

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.
15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.
16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:
- (i) the overarching purpose of the Reserves Act;
  - (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
  - (iii) lease and licence terms available for various reserve types under the Reserves Act.
17. Under the Reserves Act, the following terms can be granted:
- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)

- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act so it. Guidance under the Reserves Act indicates Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:  
  
*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:
- On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:

"The consultation asks the following two questions:

- (i) *Please select your preferred licence term from the options below*
  - o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?*

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29

*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
- (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
- (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

**(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

(iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994



(iv) Schedule: **Permanent licences** terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
  - (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rārangī Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.

49. The functions of administering bodies include<sup>50</sup> to **ensure** the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

- (vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;
- (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>;
- (viii) Given the reserve purpose is “hut settlement”, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as “significant”, as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.

## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

(1) The administering body of a local purpose reserve may, in the exercise of its functions under [section 40](#), do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.

(2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the [Public Bodies Leases Act 1969](#).

(2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
- (b) farming, grazing, cultivation, cropping, or other like purposes.

(2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:

- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
- (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

(3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (**UOA**), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

---

<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

## Submitter Number: 147

**Full Name:** Cleve Prescott

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Rolling 10-year terms (with the ability to renew, up to a maximum of 30 years total, i.e. 10 + 10 + 10 years)

[Please explain the reason for your selection:](#)

family's stability

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

settle this so the family's can continue with life as we know it. Stress free.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive



to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

flooding is not an event till 2082 if at all.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

support the residents as the rest of Selwyn ratepayers

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Please add your comments

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Every 2 years

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication the same support afforded any Selwyn residents**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

the same as any other tenant covered by the current law at the time.

## Submitter Number: 148

**Full Name:** Cushla Moorhead

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

**What is your interest in the area?**

I lived opposite the Selwyn Huts on a farm until I married and I still have family on that land whom I visit regularly. I spent a lot of my childhood and teenage years playing over at the Huts and had lots of friends there. The Huts people came over to the farm to get milk when I was young. We had a strong connection with the Huts people and the situation. I have followed with interest all news from there.

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

That gives the owners some certainty but I think it should be renewable as who knows what it will be like then.

---

**Do you have any other feedback on licence terms?**

No

---

**Please add your comments:**

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

Living by a river is a risk that the people there take because they love living there. Lots of areas are cut off for short periods of time and I don't think that is a reason for the licence to be cancelled

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

Renewal after thirty years. Those huts have been there for that long and why terminate after thirty years?

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

I think anything needs to be considered at the time. No one knows what is going to happen in the future. That is a guessing game and using fear to control people. Make the decisions when it is necessary

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

As the huts have been there for many years why are the present owners responsible for what people have done in the past? Do any other areas have this requirement?

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Yes

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

I would expect a friendly discussion first and time to fix whatever and further action taken if necessary.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 149

**Full Name:** Andrew Jackson

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

**What is your interest in the area?**

Stop trying to make a problem out of nothing and let them live their lives.

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

Why have a term, leave them alone

---



Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

Sounds like a tool to try and get them out in the future.

---

**Are there any additional events that you think should be considered?**

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

---

I guess you need a bond only if you are trying to push them out.

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

When a new building is built

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 150

**Full Name:** Barbara Bowring

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

None of the 3 options are acceptable to me. Residents are seeking a license term of 30 years with the right of renewal for a further term of 30 years, subject to environmental triggers that have yet to be agreeded on. The Council has not provided any reason to date that justifies a non renewable licence. All independent evidence and reports have not supported a non renewable licence.

The Council's legal obligation is the role of administrator of a local purpose reserve for the purpose of a hut settlement. The council have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement

purposes. The council has a legal obligation to protect the huts historic values, recognising the community diversity, promoting the social, economic and cultural well being of the community both now and into the future.

The council is not bound by any finite licence term and can grant a licence for more than one term of 33 years under the ROLD Act 1924 and the Reserve Act 1977. The council is also not bound by their 2019 resolution that hut licences are short term and finite.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

I do not consider access being cut off for 24 hours a valid reason to warrant retreat. The council has not provided any criteria such as water level, that warrants a decision of access being unsafe or cut off. Civil Defense have stated to us that their teams will always look at different methods to gain access if required. The huts are not the only users of Days Road. This road needs to be maintained as a main access to the lake. Destruction of this road is not a reason for the huts to be permanently retreated. The council has the responsibility of maintaining this road and should not effect the huts license to occupy. Closing a rural road is not a simple process as it involves an application to the Minister of Lands and consultation.

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

As identified by the council's own Jacob's report, environmental triggers and threshold require more scientific investigation and clear and explanation to the community and this has not yet been completed.

Reference to environmental events leading to an early licence end should only be along the lines of a significant event causing serious damage to homes and people and needs to be confirmed by an independent body, with out an agenda, that the huts are permanently uninhabitable and a license end date should be mutually agreeded on.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

A community led decision on anything that effects us, including collaboration with empowerment of our community as we did for 116 years pre 2011 before the council took over from the committee.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

Additional cost to residents at a time when costs are increasing significantly.

Hasn't been required for 139 years so why now?

Requesting a renewable license therefore a bond should not be required.

---

**Please add your comments:**

Bond details have not been included eg how much, paid over what period, what does the bond cover, who is going to be in charge of the bond so it is not used for other purposes. Interest from bond money needs to be returned to the residents.

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

None of the options are preferred

---

**Please add your comments:**

Like to be treated the same as everyone else in the district and only inspect when you would other properties in Selwyn.

Pending a legal opinion on Councils duty of care and the councils right to inspect I am unsure whether a settlement wide inspection is lawful.

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

More details and measurements of what is being checked and what are the consequences would be if any of these items failed and failing any items on the checklist should not lead to termination of licence.

Concerned that failing items on the inspection list will lead to unnecessary and intrusive internal house inspections.

Need to use the 1947 Bulging Act



---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Mutually agreed time to remediate without punitive consequences.

Support and advice from council about issues with open two way communication.

Need to use the 1947 Building Act

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

To have support person on the day of inspection.

The council should be making every effort to keep people in their homes given the current housing shortage and lack of social housing.

Ensuring that no one is made homeless is one of the councils guiding principles and assumptions. 5/3/25 SDC workshop notes

## Submitter Number: 151

**Full Name:** Caroline Blann

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

Other

I have an interest in councils behaving correctly to their constituents

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

you have no right to get rid of the huts

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

stop playing god with peoples lives

Let these people be

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

I have been in flooded situations more than once & the last 2 times there was no access for 10 days. We just made the most of it. People are more resilient than you are giving credit for.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

talk to the locals. They have all the answers

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

where are these people meant to get a bond from.

I guess you are expecting winz to pay it. From 1 government to another. Doesn't make sense

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

There should be no need to enter a person's property.

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**  
there should be 14 days notice given to do an inspection if you need to do one at all

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

why can't it be like a tenancy. 14 days to rectify anything on both the owner & the council.

## Submitter Number: 152

**Full Name:** Bruce Blake

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

---

**What is your interest in the area?**

I am putting in this submission even though I don't live there I feel a connection with the Selwyn Huts as over the years a number of family members have owned/holidayed and lived there. A number still do today.

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**



I completely disagree with the options for the Licence – they should be able to have a 30 year Licence that can be renewed. The so called triggers should be something that you work on with the owners.

I don't understand why you are trying to close down this village and make all those who live there homeless. The Councillors who vote for this should be ashamed of themselves. You have been trying for a number of years to wipe this community from Selwyn and each time you find a reason, a solution appears so then you find another reason. I have spoken to family members and others at the Huts and they cannot tell me what the current reason is. Why do you want to close this community down and make them all homeless?

This should also not be voted on now but held over until after the elections.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

Completely disagree with all of them. You have a report that says it is too early to talk about triggers and that more research is needed on them. Why pay for this report and

then ignore it? That is a waste of ratepayers money. How is the road being closed for 24 hours or longer a problem? The Council knows if a flood is coming and can tell everyone to evacuate. Of course you are going to fix the road as it is not just used by the people at the Huts – in fact I heard that at the Council meeting the Councillors said this would not be a trigger. If something serious happens then that is the time to talk about whether there is a future there or not.

---

**Are there any additional events that you think should be considered?**

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Talk to the community and work with them

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

No bond

---

**Please add your comments:**

why a bond - never been needed in the past

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

Treat them like everyone else and only inspect if someone reports a problem. This seems to me like bullying. You wouldn't do this anywhere else. When I read this it makes me think that you own the homes in which case you could inspect but they own their own homes

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

Only the land

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**  
clear communication and being reasonable

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

see above

## Submitter Number: 153

**Full Name:** Chels F

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

Other

I don't want anyone getting kicked out of their homes

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

no need to kick people out of their homes...

---

**Do you have any other feedback on licence terms?**

No

---

**Please add your comments:**

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive

to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

its peoples own risk none should be forced out of their home

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

not upto the council

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

all

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**  
No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**



## Submitter Number: 154

**Full Name:** Kirrily Fea

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

Please see the attached pdf as my full submission including my full answer to Question 1 as this online form did not accept my submission in full.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive

to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

- **In relation to environmental events, we would like to be treated the same as everyone else in the district.**
- To the best of our knowledge, no mitigation solutions have been investigated by the Council. Mitigation options should be explored thoroughly before confirming events that will trigger retreat. Specific triggers provided here are inappropriate, vague and open to different interpretation. This gives the Council power to terminate Licences unnecessarily.
- The Civil Defence warning system is very effective and the community is also very organised with self-monitoring which enables them to manage their own evacuations if required.
- Flooding of road access is not a reason to warrant retreat.
- USH are not the only users of Days Rd. This road is used by Lower Selwyn Huts; the Ngai Tahu farm house; ECan; users of the lake and the boat ramp; as well as the neighbouring farmers. We believe the Council has a responsibility to maintain this road and this should not affect our future occupancy. Damage to the road is not a reason for USH to be permanently retreated.

- This community is motivated and willing to work with the Council to research any mitigation options. This should happen before any triggers are decided upon.
- 

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

- The Council commissioned reports from Aqualinc and ECan which contributed to the conclusion of the Jacob's report 7/3/25 (also commissioned by Council):
  - "a triggers-based approach is not recommended at this stage."
  - "The risk to USH from flooding is no greater than a lot of other areas in the district. The increase in risk is slow over the next 50 years."
  - "The available climate change and flooding information does not seem to support the need to retreat in the next 15-30 years."
  - "Environment triggers and thresholds require more scientific investigation and clear explanation and rationale for the community."

No further research has been carried out in this area and presented to the community, so it is unclear where the events listed in the consultation document have come from?

- Reference to environmental events leading to an early Licence end should only relate to a significant event which has caused serious damage to homes and people or a risk of a significant event that cannot be mitigated.

If this resulted in confirmation from an independent body that the USH is permanently uninhabitable, a Licence end date could be mutually agreed upon.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

- In the event of a serious environmental event, the next step would be a discussion with the community leading to a collaborative decision on the way forward.

- Without relocation or compensation being offered by either the Council or Central Government, as would be consistent with international standard practice for managed retreat, the community has a very high threshold for risk making trigger-based approach difficult to agree on. Compensation should be offered across NZ for managed retreat to ensure Council's only retreat when absolutely necessary and do not use climate events as a reason to follow a predetermined agenda.

**This community deserves to be treated in the same manner as any other community in the Selwyn District. Forcing their retreat before any significant risk has been identified or any major event has occurred without justification is not acceptable.**

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

- A bond hasn't been required in 130 years. We are requesting a renewable Licence and in line with precedents set in the past, a bond should not be required.
  - This is an additional cost to residents at a time when all costs are increasing, possibly significantly.
- 

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Other: Only when an inspection is required in any other part of the Selwyn District.

---

**Please add your comments:**

- Buildings should only be inspected at the same time as any other house in Selwyn would be inspected.
  - The USH should be treated like everyone else in the district.
  - Pending a legal opinion on the Council's duty of care and the Council's rights to inspect, we are awaiting confirmation as to whether a settlement-wide inspection is lawful.
- 

**Do you think the checklist covers the right things?**

No

Please specify what you would change

- This should be a lot inspection only and should not include the buildings as the Council are not landlords of our buildings.
- The Building Condition – External section should be removed in its entirety.
- The title of the inspection checklist should be changed from "Upper Selwyn Huts – Hut Condition Inspection" to "Upper Selwyn Huts – **Lot** Inspection".

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

- If there is a problem with the lot, a mutually agreed timeframe to remediate without punitive consequences.
- Support and advice from Council would be helpful if there are any issues.
- The Council should be making every effort to keep people in their homes given the current affordable housing shortage and lack of social housing.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

- Home owners should be encouraged to have a support person with them at the time of any inspection to protect their wellbeing.
- Any issues with an inspection should NOT be a reason to terminate a Licence.
- Ensuring that no one is made homeless is one of the Council's own guiding principles and assumptions.



20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May September 2025 – process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

*Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”*

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act—these licences are ~~granted under the~~ Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the **ROLD Act**). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)

reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. **There is no limit on term under that Act.**

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, **which also focus on the community**.
- (iv) **The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).**
- (v) **When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977.****
- (vi) **In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.**

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> **A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.**

<sup>3</sup> **It varies depending on lease types and the specific activity proposed.**

<sup>4</sup> **Section 168 ROLD Act and Section 61 Reserves Act 1977**

<sup>5</sup> **In accordance with the ROLD Act, Council can only grant a licence, not a lease.**

<sup>6</sup> **A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.**

<sup>7</sup> **Section 3 and 10 Local Government Act 2002.**

<sup>8</sup> **Being a New Zealand community, as set out in section 3 Local Government Act 2002**

<sup>9</sup> **Section 10(1)(a) Local Government Act 2002**



- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as “significant”, as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

*Under what Act is the power to grant a lease or licence?*

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to “the Commissioner”, this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opuia Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted “The power to grant licences is more constrained than the leasing power.” At [97].

7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding mine**):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act

appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.

13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

***What term can be granted?***

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.

15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.

16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:

- (i) the overarching purpose of the Reserves Act;
- (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
- (iii) lease and licence terms available for various reserve types under the Reserves Act.

17. Under the Reserves Act, the following terms can be granted:

- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)



- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act so it. ~~Guidance under the Reserves Act indicates~~ Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:  
  
*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:
- On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:

"The consultation asks the following two questions:

- (i) *Please select your preferred licence term from the options below*
  - o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?*
  - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?*

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29

*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
  - (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
  - (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

### **(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

(iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994

(iv) Schedule: **Permanent licences** terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
  - (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rārangī Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.



49. The functions of administering bodies include<sup>50</sup> to **ensure** the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

- (vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;
- (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>;
- (viii) Given the reserve purpose is “hut settlement”, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as “significant”, as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now “moderate”. The circumstances surrounding the categorisation of the issue as “significant” in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.



## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

- (1) The administering body of a local purpose reserve may, in the exercise of its functions under [section 40](#), do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.
- (2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the [Public Bodies Leases Act 1969](#).
- (2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:
- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
  - (b) farming, grazing, cultivation, cropping, or other like purposes.
- (2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:
- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
  - (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.
- (3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (**UOA**), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

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<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

## Kirrily Fea SDC Consultation Submission (21 July 2025)

*For the full details of this submission refer to Selwyn Huts' Owners Association submission 20/07/25 which I have summarised here in parts and further expanded in other parts. The variations from the Association's submission are highlighted in grey.*

*I have also attached a copy of this submission in case the formatting does not transfer to the online form.*

### Question 1: Licence Term Options

Council is seeking feedback on three different options for how long future Licences should last. Please select your preferred Licence term from the options below.

- Fixed term of 5 years No renewal.
- A single fixed term of 30 years No renewal.
- Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

**Other:** Considering SDC's legal advice presented at the Council meeting 21/5/25 and applying the Reserves Act 1977 in relation to the term of the Licence, I request a Licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) as recommended by our Barrister Clare Lenihan.

Please explain the reason for your selection:

SDC's legal advice presented at the Council's meeting 21/5/25 stated:

1. SDC is granting the Licence term under the Reserves Act 1977, and
2. "Our recommendation is would be almost all leases and licences have a term. We don't believe having good Local Government Act decision making principles it would be open to you to make a decision even under your discretion to put an infinite term on a licence".

Both 1 & 2 above relate to our original preferred licence term of open ended with triggers. Since the Reserves Act 1977 allows for renewable terms (see legal opinion attached), to fit within SDC's legal team's advice given at this meeting, our Barrister has changed her recommended licence term from open ended with triggers to 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed).

This opinion also states the Council is not bound by a non-renewable Licence, that the Council needs to consider their obligations as administrator of a **local purpose reserve for the purpose of hut settlement**, which includes the community, as well as its specific historic values.

In my opinion the Council is failing to meet their obligations as the administrator of this local purpose reserve and in addition there is clear and extensive evidence they have actively sought ways to end the settlement's occupancy since at least 2017.

The Council has not given any reason to justify a non-renewable Licence and is ignoring all the reasons for the next Licence to be renewable.

Do you have any other feedback? Yes No. Please add your comments:

Similar to the Selwyn Huts Owners' Association submission (differences highlighted in grey):

The following will expand on the above summary under the following headings:

1. The Council is not bound by any Non-Renewable Term
2. The Council's Obligations as Administrator of a Local Purpose Reserve for the Purpose of Hut Settlement
3. How The Council Are Not Meeting Their Legal Obligations
4. There Are No Reasons Justifying a Non-Renewable Licence
5. Other Reasons the Next Licence Should be Renewable

**1. The Council is not bound by any Non-Renewable Term**

Barrister Clare Lenihan's Opinion 20 June 2025 (attached):

"54 (i) Council is not bound by any finite Licence term under the ROLD Act or the Reserves Act;

54 (ii) The Reserves Act indicates a Licence for more than one term of 33 years can be granted, with no specific end date;

54 (iii) Council is not bound by its 2019 Resolution to only consider a finite term"

**2. The Council's Obligations as Administrator of a Local Purpose Reserve for the Purpose of Hut Settlement**

Barrister Clare Lenihan's Opinion 20 June 2025 (attached):

"48. The Minister of Conservation appoints a local authority to control and manage a reserve "for better carrying out the purpose of any reserve". **for the particular purpose for which it was classified.**

49. The functions of administering bodies include to **ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve for the purpose for which it is classified.**"

"51. Summary: Given the purpose of the reserve is a "hut settlement", and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a Licence for a term consistent with the continued existence of the hut settlement."

"44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are...**historic features present, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.**"

"54 (vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community and **promote the social, economic and cultural well-being of that community both now and for the future**

54 (viii) Given the reserve purpose is "hut settlement", and in accordance with the broader purposes of the Local Government Act 2002, **in the absence of justifiable reasons to grant a shorter or finite term, Council should grant a Licence for a term consistent with the continued existence of the hut settlement"**

### **3. How The Council Are Not Meeting Their Legal Obligations**

There is clear evidence from 2017 that Selwyn District Council has not only failed to meet the legal obligations of an administrator of a Local Purpose Reserve but has actively sought multiple ways and reasons to terminate the hut settlement occupancy.

As summarised from the Selwyn Huts Owners' Association

- 2017 SDC seeks legal advice on the feasibility of refusing the renew the Licences.
- 2019
  - Under low significance and therefore no community consultation Council passes resolution that future Licences are now short term and ultimately for a finite period and in doing so ignoring council commissioned Development Matters recommendations.
  - SDC receives confirmation from Buddle Findlay that USH is probably an archaeological site and therefore potentially has heritage values and this would have consequences should USH achieve Heritage Listing.
  - SDC uses short term and ultimately finite resolution to block USH's Heritage NZ Pouhere Taonga application for entry on the Heritage List.
- 2023 SDC request to DOC to transfer the administration of USH is refused.
- 2024 SDC classifies the future occupancy of USH as low significance, ensuring any future strategy is not community led and present USH with a 174-page document 2 working days before the Council votes on the next Licence to occupy being a maximum of 15 years finite with no consultation.
- 2024-2025 SDC attempts to justify a non-renewable Licence based on an ever-changing list of reasons and not being interested in alternative opinions or solutions (see Number "4. There are No Reasons Justifying a Non-Renewable Licence" below).
- 2025 SDC fails to consult with USH in a quality and fair manner by:
  - Attempting to predetermine the licence term outcome by only presenting three non-renewable Licence term options and not including an "Other" box option significantly limiting feedback options.
    - Many owners have asked me "do we have to tick a box". Many will as they have been told by others that if they don't it will mean their submission wont count. They will tick a box but then put in the comments they do not agree. This will mean any summary data will be misleading
    - People from the wider community who support the USH right to stay will similarly tick the best option assuming they are making the best choice for us, not realising there are other options. Once again meaning the summary data will be misleading.



- For this reason we ask the Council to summarise the data by adding in an “other” box and separating out anyone who either hasn’t ticked a box but included comments, or has ticked a box but then altered their answer in the comments.
- Stating USH are on the shores of the lake which isn’t true
- Referring to our homes as huts
- Implying that the document has been shaped by independently facilitated sessions when these recommendations are been completely ignored
- Stating the reserve is public reserve without mentioning the Local Purpose Reserve classification which is a material omission.
- Stating that the balance of this document considers many things but excludes the administrator’s legal obligations when managing a Local Purpose Reserve.
- Stating the reasons for the non-renewable Licence terms are environmental impacts and protection; equity for all ratepayers and long term sustainability when there is no evidence supporting these claims.
- Classifying the significance level to moderate ensuring community led decision making will be limited.
- Justifying the moderate significance classification to Councillors on 21/5/25 by explaining this wouldn’t go out to the wider public, then advertising the submission process to the public the next week.

#### **4. There Are No Reasons Justifying a Non-Renewable Licence**

Since 2019 and particularly since March 2024, the Council has provided USH with an ever-evolving list of reasons for a non-renewable Licence. As some reasons are disproved, new reasons are provided. The USH community does not have a current list of Council reasons justifying a non-renewable Licence.

The question has always been, and remains, why should the next Licence be non-renewable for the first time in 130 years?

Collating multiple documents, we believe the following are the Council’s remaining justifications:

- Lake levels rising due to the lake not being opened
  - It was suggested on 5 March 2025 publicly excluded Councillor workshop that this trigger should be removed due to the unlikelihood of this scenario.
- Wider community tensions
  - What is meant by “wider community tension?”
  - It is the Councils’ role to manage community tensions. We believe the Council are creating community tensions about Upper Selwyn Huts by their media releases with their exaggerated narratives that the USH community are costing ratepayers money and that we are constantly at risk from extreme weather events, neither of which are true.
- Concerns about evacuations and road access being cut off during extreme weather events
  - USH has never flooded in 130 years.



- The USH community is proactive with monitoring river levels, listening to Civil Defence warnings, and self-evacuating when the road access is due to be cut off which is by design to release the pressure of the river at high levels.
  - USH would like to be treated the same as everyone else in the Selwyn District when road access is cut off.
- Rising ground water and flood risks
  - Council commissioned Aqualinc report December 2024 concluded that based on their modelling, **USH will not be vulnerable to lake level rises or rising ground water until at least late in the century.** These conclusions do not support the next 30-year Licence being non-renewable.
  - Council commissioned Jacobs Report March 2025 concluded the available climate change and flooding information does not seem to support the need for retreat in the next 15-30 years.
  - Risk to the stop banks during high river levels has not been confirmed.
    - USH are working with ECAN to establish if there are areas of risk at extreme river levels.
    - **USH are not aware of any concerns raised by ECAN about the stop bank at the settlement.**
    - USH community believes the opposite stop bank is lower than the stop bank at the settlement and is more at risk.
    - ECAN has a plan to lower the opposite bank further downstream to release extreme pressure reducing risk further upstream.
    - **Further scientific data is required before concluding the stop banks at the USH settlement is at risk.**
- Legal Constraints
  - USH residents have adjusted their preferred Licence term option to fall within the constraints of SDC's internal legal team's advice to Councillors 21 May 2025 as follows:
    - 33 years is the limit for a Licence term when applying the Reserves Act 1977 and the next Licence needs to fit within that timeframe.
    - When applying good Local Government Act decision making principles, an infinite term on a Licence should apply.

For these two reasons, we have adjusted our preferred Licence term option from "open ended, with triggers" to "30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed).
  - SDC internal legal team have refused to respond to our Barrister's legal opinion and our LGOIMA before the end of this consultation period denying USH the opportunity to counter their advice to Councillors.

We have requested the statutory interpretation for SDC's internal legal advice to Councillors several times as follows but have been denied this information each time:

  - Clare Lenihan phone call with Julie Hands. Julie refused to give details.
  - Email to SDC requesting response to our Barrister's opinion. SDC refuses to reply before the end of the current consultation period.
  - LGOIMA response refused before the end of the consultation period.

**For these reasons, legal constraints should not be used to justify a non-renewable Licence in September 2025.**

- Duty of Care
  - USH believes Buddle Findlay's advice to SDC overstates SDC's Duty of Care obligations as SDC is not a landlord of our homes, but rather administrators of the land only.
  - USH requires more time to obtain legal advice on SDC's Duty of Care in relation to being an administrator of the local purpose reserve.
  - SDCs known Duty of Care concerns:
    - Fire Risk - USH have been working with Fire and Emergency New Zealand (FENZ) who have subsequently contacted SDC. FENZ do not appear to be any more concerned about our homes compared to others in the district. They have given us some general advice which all homeowners would receive, which we are happy to share with the Council during any lot inspections.
    - Insanitary Buildings - there is no reason why USH residents should be treated differently from any other house in the Selwyn District in relation to insanitary buildings.

None of the above reasons SDC are using justifies the next Licence to Occupy being non-renewable, and no Council commissioned reports support this. The question has always been, and remains, why should the next Licence be non-renewable for the first time in 130 years?

#### **5. Other Reasons the Next Licence Should be Renewable**

- The Council as administrators of a local purpose reserve have legal obligations which they are failing to meet.
- In the absence of reasons to grant a shorter or finite term, Council should grant Licences for a term consistent with the continued existence of the hut settlement.
- No reason provided by the Council so far justifies a non-renewable Licence.
- Councils own commissioned scientific and consultant reports do not support a non-renewable Licence.
- USH has never flooded in 130 years.
- Heritage. SDC needs to consider the specific historic values of the reserve and community (Barrister opinion attached).
- USH has commissioned a Statement of Significance from historians Underground Overground Archaeology (UOA) (which will be provided to you before the Oral Submissions) which concludes that The Upper Selwyn Huts is an archaeological site and the place also contains significant heritage values. UOA recommends:
  - That the huts remain on their current site;

- That the Upper Selwyn Huts are added to HNZPT's List/Rārangi Korero as an historic area;
  - That the Upper Selwyn Huts are added to Selwyn District Council's District Plan heritage schedule.
  - UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.
- 130 years of Licence renewals precedent (Barrister's opinion attached).
  - Expectation of permanency - from 2015 the Licence contains the word **permanent**. It is in the current Licence 5 times (Barrister's opinion attached). Half of the houses have changed ownership since 2015, with the understanding that permanent means long term occupancy.
  - There is a current housing shortage and also limited availability of low cost housing, especially in Selwyn. The housing in USH should be protected for this reason for as long as it is safe to do so.
  - The USH is a unique community, and "a very special and welcoming place, both its built character and its strong sense of community. I would have hoped that Selwyn District Council could see Upper Selwyn Huts as being a special asset for as long as possible." (MP Andy Foster email to SDC 7/3/2025).
  - Security of tenure is a basic human right. The USH residents have not experienced this right for 10 years. They deserve to live in their homes in peace, privacy and comfort with less stress and more certainty.
  - USH community does not understand nor agree with the reasons behind a non-renewable Licence.
  - USH will continue to challenge SDC if a non-renewable Licence is voted in without justification. This will continue to waste Council's, ratepayers and USH's time and money as this decision is not based on fair representation.

*With all the reasons supporting a renewable Licence, and no reasons given that justify a non-renewable Licence, there is no reason why the next Licence can't be renewable conditional on environmental triggers.*

### Summary/In Conclusion

I do not agree with any of the three Licence term options provided as they are all non-renewable.

SDC as administrators of a local purpose reserve for the purpose of hut settlement, have legal obligations when administering the reserve. It is clear that SDC are not meeting those obligations. In fact there is compelling evidence that SDC have been actively seeking ways to remove the community since 2017.

There are no reasons provided that justify a non-renewable Licence, however there are many reasons why the next Licence should be renewable.

**For these reasons, I am seeking a Licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) as recommended by our Barrister.**

I'd like to end my submission on Question 1 with this statement:

For whatever unknown reason SDC has been actively seeking out ways to terminate our Licence to Occupy since at least 2017. No reasons so far provided to the USH community justifies the disestablishment of an entire Selwyn Township and the destruction of a historically significant area which will eventually require the reclassification of this Local Purpose Reserve. If a non-renewable Licence term is voted on in September 2025, USH will continue to challenge this decision legally, further wasting everyone's time and money, and keeping SDC's decision making processes under public scrutiny. For those of you who are leaving this year, is this really the legacy you want to put your name to in your final vote as a Councillor? This decision has a significant impact and will be remembered.

#### **Question 2: Environmental Events for Early Licence End**

Council's priority is the safety and wellbeing of people in the community. Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a Licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off.
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with? Yes/No

Yes

Please explain your reason:



- **In relation to environmental events, we would like to be treated the same as everyone else in the district.**
- To the best of our knowledge, no mitigation solutions have been investigated by the Council. Mitigation options should be explored thoroughly before confirming events that will trigger retreat. Specific triggers provided here are inappropriate, vague and open to different interpretation. This gives the Council power to terminate Licences unnecessarily.
- The Civil Defence warning system is very effective and the community is also very organised with self-monitoring which enables them to manage their own evacuations if required.
- Flooding of road access is not a reason to warrant retreat.
- USH are not the only users of Days Rd. This road is used by Lower Selwyn Huts; the Ngai Tahu farm house; ECan; users of the lake and the boat ramp; as well as the neighbouring farmers. We believe the Council has a responsibility to maintain this road and this should not affect our future occupancy. Damage to the road is not a reason for USH to be permanently retreated.
- This community is motivated and willing to work with the Council to research any mitigation options. This should happen before any triggers are decided upon.

Are there any additional events that you think should be considered? Yes/No

Yes

Please add your comments:

- The Council commissioned reports from Aqualinc and ECan which contributed to the conclusion of the Jacob's report 7/3/25 (also commissioned by Council):
  - "a triggers-based approach is not recommended at this stage."
  - "The risk to USH from flooding is no greater than a lot of other areas in the district. The increase in risk is slow over the next 50 years."
  - "The available climate change and flooding information does not seem to support the need to retreat in the next 15-30 years."
  - "Environment triggers and thresholds require more scientific investigation and clear explanation and rationale for the community."

No further research has been carried out in this area and presented to the community, so it is unclear where the events listed in the consultation document have come from?

- Reference to environmental events leading to an early Licence end should only relate to a significant event which has caused serious damage to homes and people or a risk of a significant event that cannot be mitigated.  
If this resulted in confirmation from an independent body that the USH is permanently uninhabitable, a Licence end date could be mutually agreed upon.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

- In the event of a serious environmental event, the next step would be a discussion with the community leading to a collaborative decision on the way forward.
- Without relocation or compensation being offered by either the Council or Central Government, as would be consistent with international standard practice for managed retreat, the community has a very high threshold for risk making trigger-based approach difficult to agree on. Compensation should be offered across NZ for managed retreat to ensure Council's only retreat when absolutely necessary and do not use climate events as a reason to follow a predetermined agenda.

**This community deserves to be treated in the same manner as any other community in the Selwyn District. Forcing their retreat before any significant risk has been identified or any major event has occurred without justification is not acceptable.**

### Question 3: Bond Requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a Licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply? Yes/No

Yes

Please add your comments.

- A bond hasn't been required in 130 years. We are requesting a renewable Licence and in line with precedents set in the past, a bond should not be required.
- This is an additional cost to residents at a time when all costs are increasing, possibly significantly.

Do you have any other feedback or suggestions on the inclusion of a bond? Yes/No

No

Please add your comments:

### Question 4: Building Condition Inspection Programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.



How often do you think condition inspections should occur?

- Every year
- Every 2 years
- Every 3-5 years
- Only when there's a complaint or issue raised
- Other

Other: Only when an inspection is required in any other part of the Selwyn District.

Please add your comments:

- Buildings should only be inspected at the same time as any other house in Selwyn would be inspected.
- The USH should be treated like everyone else in the district.
- Pending a legal opinion on the Council's duty of care and the Council's rights to inspect, we are awaiting confirmation as to whether a settlement-wide inspection is lawful.

Do you think the checklist covers the right things?

Yes/No/Not Sure

No

Please specify what you would change:

- This should be a lot inspection only and should not include the buildings as the Council are not landlords of our buildings.
- The Building Condition – External section should be removed in its entirety.
- The title of the inspection checklist should be changed from "Upper Selwyn Huts – Hut Condition Inspection" to "Upper Selwyn Huts – Lot Inspection".

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments.

- If there is a problem with the lot, a mutually agreed timeframe to remediate without punitive consequences.
- Support and advice from Council would be helpful if there are any issues.
- The Council should be making every effort to keep people in their homes given the current affordable housing shortage and lack of social housing.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

- Home owners should be encouraged to have a support person with them at the time of any inspection to protect their wellbeing.
- Any issues with an inspection should NOT be a reason to terminate a Licence.
- **Ensuring that no one is made homeless is one of the Council's own guiding principles and assumptions.**

## Submitter Number: 155

**Full Name:** Joshua Moot

**Organisation:**

**Wish to speak to the submission:** No

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### **What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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### **What is your interest in the area?**

I am a member of the Greenpark Foodbank, which serves the upper Selwyn Huts area. Through this work, I've come to know many of the residents and their personal stories. The reality of living with the constant uncertainty of homelessness is heart-wrenching. On top of this, the overwhelming financial burden of having to pay to destroy their own homes adds an unimaginable level of devastation to their lives.

---

Council is seeking feedback on three different options for how long future licences should last.

### **Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

Many of the residents of the Selwyn Huts are in their senior years, with the Huts serving as a sanctuary from the bustle of city life. For many, it has been a place of comfort and personal solace, chosen for deeply individual reasons. With a single fixed term of 30 years, nearly all of these residents would see the end of their tenure here as they approach the end of their lives. Introducing a non-transfer clause into the licences would ensure a gradual, non-disruptive transition—a humane and dignified way of phasing out occupancy without creating the distress of forced removal.

By implementing this "sinking lid" policy, the community would avoid the risk of new residents moving in under circumstances that are not sustainable, while also respecting the wishes and stability of those who have made the Huts their home. This approach acknowledges the deep attachment that residents have to their homes, while offering a

clear and fair framework that ensures their dignity is maintained. Such a strategy offers both fairness and compassion, striking a balance between the needs of the current residents and the long-term sustainability of the community.

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### **Do you have any other feedback on licence terms?**

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### **Please add your comments:**

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Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

### **Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

The road in question is prone to flooding and is a poorly constructed clay and shingle accessway. Despite recent attempts at repairs, which have been substandard at best, the road has already become heavily rutted. Additionally, the lake requires constant management to prevent flooding issues. When the lake isn't opened at the correct times, it's almost inevitable that the road will flood. Evicting people due to improper water management would seem not only unjust but also disingenuous. As someone

with Dutch heritage, I can confidently say that water management is the real issue here, not the settlement itself.

Another important point is that most residents evacuate promptly when water levels begin to rise, and they fully comply with Civil Defence's evacuation orders. Therefore, to evict people on the grounds that emergency vehicles cannot service the huts feels somewhat manufactured, given that the residents are proactive in evacuating when necessary.

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**Are there any additional events that you think should be considered?**

No

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

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Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

None of the residents in the Upper Huts area are of significant financial means. Adding a substantial bond to their lease requirements would likely make it impossible for most, if not all, to pay. When these residents purchased their homes, they were, or at least should have been, made aware of the risks involved. However, for the majority, the idea that they would one day be required to pay to destroy their own homes would have never crossed their minds. Given that the huts have stood since the 1800s, it was not an unreasonable assumption to believe they could continue living there.

In my strong opinion, it is inhumane to not only ask residents to vacate the homes they've called their own for so long but also to demand that they bear the cost of destroying those homes.

---

**Please add your comments:**

Introducing a bond requirement would effectively amount to eviction for many of the current residents, as the majority simply cannot afford it. While to some, the Selwyn Huts may appear as rundown structures, to those who live there, they are not just shelters—they are *homes*. For many, these huts represent a sense of independence, security, and belonging, a place where they've built their lives and memories over the years. The prospect of being priced out by a bond is not merely an inconvenience; it would be an unbearable burden, stripping away their sanctuary and disrupting the delicate balance of their lives in their later years.

It's essential to recognize that for these residents, the huts are far more than a physical space—they are a cornerstone of their well-being. Any policy that introduces financial barriers like a bond would effectively disregard the emotional and practical realities these residents face. A decision to impose such a bond would be a harsh and insensitive one, one that fails to acknowledge the profound attachment and dependence these individuals have on their homes.

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

If the Council wishes to conduct what effectively amounts to an audit on the properties, it should do so with careful consideration, and only in response to a legitimate complaint or issue that warrants such an action. Auditing properties without cause would not only be an unnecessary intrusion but would also be an unjustified use of ratepayers' money. Investigations or enforcement actions should only be initiated when there is a clearly



defined concern of significant importance—one that justifies the expenditure of public funds.

The Council must remain focused on maintaining a fair and balanced approach, ensuring that any action it takes is in line with the principle of proportionality. Property audits should not be used as a blanket or routine measure, but as a targeted response to genuine issues that affect the safety, health, or well-being of the community. Only by adhering to this standard can the Council maintain trust and demonstrate responsible stewardship of public resources.

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

Audits should be limited to a defined scope as set-out by a complaint.

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

The Council has a responsibility to provide clear, transparent, and considerate communication to these often-vulnerable residents. It's essential that their concerns are not only heard but actively addressed with the same level of attention and respect given to any other ratepayer. These residents, many of whom may be facing significant challenges in their later years, deserve no less than full respect for their rights and dignity.

Furthermore, given the complexity of the issues at hand, many of these residents would greatly benefit from advocacy support. Whether navigating bureaucratic processes or understanding their rights, advocacy services would ensure they are not left to navigate these challenges alone. The Council must recognize the unique position these residents are in and ensure that they have access to the resources and support needed to make informed decisions about their futures. This commitment to fair treatment and support will not only protect the welfare of the residents but also build stronger, more empathetic community relationships.

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Inspections, if necessary, should be carried out with the utmost sensitivity, respecting the privacy of individuals in their own homes. Residents should be given sufficient notice to prepare for the inspection, and a clear scope of what will be assessed should be communicated in advance.

## Submitter Number: 156

**Full Name:** John Cooke

**Organisation:**

**Wish to speak to the submission:** No

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**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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**What is your interest in the area?**

Family and friends live there

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Rolling 10-year terms (with the ability to renew, up to a maximum of 30 years total, i.e. 10 + 10 + 10 years)

**Please explain the reason for your selection:**

there is no higher risk here than 90 percent of homes in Canterbury

---

**Do you have any other feedback on licence terms?**

No

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**Please add your comments:**

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Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive

to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

emergency services must provide services to adjacent farms and other properties so why is this any different. Are the farmers being told to move?

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

the same consideration it would provide to anyone in their ratable area. No discrimination.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

No

Please add your comments

your actions require them to move. Your responsibility.

---

**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

you are discriminating with any other requirements.

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication if the issue is historic it should overlook unless a safety issue**

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 157

**Full Name:** Sandra Lagrosse

**Organisation:**

**Wish to speak to the submission:** Yes

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18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH).

### Privacy statement

Submissions are part of the public consultation process and are a public record. Anonymous submissions will not be accepted. Submissions including names are published on our website and in official documents so please do not include any personal information in the content of your submission you would prefer to be kept private.

While contact details (address, phone number and email address) are provided to elected members along with your feedback to be considered when making their decisions, contact details will not be made publicly available on the Council's website or official documentation.

If someone requests a copy of submissions through the Local Government Official Information and Meetings Act 1987, name and contact details must be supplied. If you have good reason as to why your personal details and/or feedback should be kept confidential please contact [huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz) outlining your reasons.

If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Sandra

Last name\* Lagrosse



Are you submitting on behalf of an organisation?

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

Council is seeking feedback on three different options

☐ Other:



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I would like to see a 30 year term with right of renewal. This has been my home for 28 years. It has been safe + caring community + one that my children + grandchildren have so many precious memories.

Do you have any other feedback?

- ☒ Yes ☐ No

Please add your comments:

I do struggle with the knowledge that my children will be left with my debt. The thought of losing my home causes me utter grief. I do not understand why this has come to this. I've maintained my home to a high standard + was able to find a job as a local school bus driver, making loads of new friends in the area. For my 6 Grandchildren coming out for visits + holidays was a joy. They got to experience good old fashioned fun. Tree huts, gala days, swimming, fishing ect.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☐ Yes ☐ No

Please explain your reason:

In my tenure, I've never experienced flooding, + when it did at one time it was due to a breach in the bank of the farmers place up the road.

Are there any additional events that you think should be considered?

- ☐ Yes ☐ No

Please add your comments:

THIS could apply to any area of the Selwyn district. We have a team of civil defence workers.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

We would be for warned as before in the past. We have a great team of folk on civil defence, who have always come to make sure I was okay & prepared for any ~~even~~ major events.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

My home was originally the Springerton South Cricket pavilion, which was from the reserve. So I've no idea what the site was like.

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Would this money collected be held in a trust with the SDC?

There would be too many loopholes in this proposal. How much would the bond be?

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

Treat my home like any other ratepayer in the district. They do not require inspections.

Do you think the checklist covers the right things?

☐ Yes ☐ No ☐ Not sure

Please specify what you would change:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

No inspections, but I feel if anything all homes should be required to install smoke alarms. Should be compulsory.

## Submitter Number: 158

**Full Name:** Kate Johnson

**Organisation:**

**Wish to speak to the submission:** Yes

---

Over Counter 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH).

### Privacy statement

Submissions are part of the public consultation process and are a public record. Anonymous submissions will not be accepted. Submissions including names are published on our website and in official documents so please do not include any personal information in the content of your submission you would prefer to be kept private.

While contact details (address, phone number and email address) are provided to elected members along with your feedback to be considered when making their decisions, contact details will not be made publicly available on the Council's website or official documentation.

If someone requests a copy of submissions through the Local Government Official Information and Meetings Act 1987, name and contact details must be supplied. If you have good reason as to why your personal details and/or feedback should be kept confidential please contact [huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz) outlining your reasons.

If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Kate

Last name\* Johnson

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_





## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ **Fixed term of 5 years**  
No renewal.
- ☐ **A single fixed term of 30 years**  
No renewal.
- ☐ **Rolling 10-year terms**  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I am not ticking any box.  
Please read my attached letter.

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Comments are in my letter

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

I disagree with all 3.  
Please see my reasons in my letter

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

See my letter



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

See my letter

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

There should not be a bond.  
Please see my letter

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

See my letter

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

only a lot inspection, if anything.

Please see my letter

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

If an inspection at all -  
An external lot  
inspection only.  
Please see my letter

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Comments are in my letter

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Comments are in my letter.





Upper Selwyn Huts Future Deed of Licence  
Kate Johnson  
[REDACTED]

My Submission

I have lived at The Upper Selwyn Huts since 2019, buying my home in 2020. It is an amazing place to live. Since coming here I have made some truly wonderful friends. It would be heartbreaking and a huge loss to lose all we have here, because, at the Upper Selwyn Huts, we are a close knit community living on a local purpose reserve for the purpose of hut settlement, which includes the notion of community. Just like any community, we are a group of people, all just wanting to live a quiet, normal, happy life. We have young families, middle aged people and quite a few retirees. Some are here for financial reasons, some for the lifestyle, some for family, some for all of those reasons. There are a lot here with long family connections. We also all look out for each other. Any one of us could walk down the street and ask for help from nearly anyone, and they would offer that help willingly. A few vulnerable residents live here for that reason. They would not cope living in housing estates in the city, where no-one knows anyone, with high crime rates etc. They feel safe here. A lot here have long historic family connections. **But**, regardless of why we are here it would be sad to see this all taken away unnecessarily, especially with a nationwide housing crisis. We live here mortgage free and the thought of having to demolish our homes, with no compensation, remove ourselves and go somewhere else, paying huge rent costs is extremely daunting. I for one can't afford to do this.

It feels derogatory when the councillors refer to our HOMES as huts. I know they are classed as huts, but they are our HOMES.

The Upper Selwyn Huts consultation documents are quite biased, inaccurate and misleading, just like quite a bit of information, the SDC spread about us in inaccurate Press releases, therefore, I have chosen not to tick some of the boxes that could give SDC ammunition against us. I want all councillors to be given all the facts... **accurate, honest and true facts**, with enough time to read and digest all the information, so they can make accurate informed decisions on our licence and our lives. I would like SDC to reconsider making the decisions on our Deed of Licence until after the upcoming elections, as the whole council seems to be in complete disarray with so many choosing not to stand again for the next term. I feel it would be very biased. I also don't think you should be using unpaid rates and licence fees as a reason to evict us. Why should a few disadvantage many? I agree these should have been paid on time, but as a business you should have been following up on these a long time before now. That is your own error and I feel it is wrong to have published these arrears. Surely this information is between the council and the particular rate payers. Everyone in the community should be treated with dignity, respect and care. We are constituents and rate payers of the Selwyn District and should be treated accordingly and not be put at an unjustified disadvantage. This whole process of getting our new Deed Of Licence has made a lot in our community anxious, distressed, vulnerable and worn out.

**Question 1: Licence Term Options**

**I am choosing not to tick any of the three options as none are acceptable, all being non-renewable or finite terms.**

Have you, SDC, thought, that by giving us a renewable term, residents would be far more willing to address issues with their homes and make improvements. You made it possible for permanent residency.. it is extremely bad management to try and revoke this after so many people have spent life savings buying their homes here, thinking it was going to be long term. There has been absolutely NO communication as to why you want us gone and what you intend to use the Reserve for..especially after installing a multi-million dollar sewerage system, expecting us to pay for our part of it. This whole thing is extremely distressing for residents, causing a lot of anxiety about the cost of demolishing our homes, with NO compensation, in an already existing housing crisis. WHERE DO WE ALL GO???????

I want to refer to our barristers report. This is our Barristers legal opinion and cannot be disregarded. The SDC have been sent a copy of this so there should be no need for me to cover it all again, but I have included some points.

Barrister Clare Lenihan's opinion, dated 20<sup>th</sup> June 2025:

Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed).

Her opinion also states that the Selwyn District Council's role is administrator of a local purpose reserve for the purpose of hut settlement which includes the notion of community. You have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purpose. There are also legal obligations to protect the historic values, recognise our communities diversity, promote social, economic and cultural well-being of it's community, both now and in the future.

The council can issue licences under the ROLD act 1924 with no time limit. Council is not bound by any finite licence term and can grant a licence for more than 1 term of 33 years under the Reserves Act 1977. You are also not bound by your 2019 resolution that hut licenses are short term and ultimately finite.

You, SDC, have not provided any reasons, to date, that justifies a non-renewable licence. All independent evidence and reports do NOT support a non-renewable term.

The ECAN/Aqualinc report confirmed climate change is not going to be an issue for many years.

You have resolved our Wastewater problem.

Our Stop Bank does NOT overtop at our settlement.. it breaks it's banks higher up than us. This sometimes causes Days Road to flood but we are all well prepared should this happen.

Tension from the wider community regarding expenses, that you say, we have caused, has been created by you from extremely biased Press releases... You really need to have true and correct facts before releasing these.

Concerns over evacuations are very well managed by our Civil Defence team, of which I am a member.

**If one of these events were to happen I would expect the SDC to do:**

**What we have been asking for...**

Allow our community to make decisions for ourselves on anything that affects us, involving us and giving us back the opportunity to self manage and administer, as we did for 116 years, pre 2011, when you took over from our committee.

We are not experts in managed retreat, so why are you expecting us to propose environmental events that would warrant retreat. SDC could then use these events as a baseline for other Selwyn residents.

### **Question 3 Bond requirements**

I disagree with paying a bond.

Paying a bond is going to add an additional cost to our licence fee and rates cost, which is increasing exorbitantly. I feel there needs to be a complete rates review to bring our rates into line. SDC have devalued our homes making it difficult to sell them for a reasonable price, so why are we expected to pay increasing rates on much less value.

As we are asking for a renewable licence the bond should not even be considered. A bond hasn't ever been required before, so why are you introducing this now. You have given us no costs, what period of time it is to be paid over or exactly what it covers. As it could be for quite a period of time, why should SDC be acquiring all this money when it could be staying in my account, for me to be responsible for myself, should the time arise. It seems like a **revenue gathering tactic**.

### **Question 4 Building Condition Inspection Programme**

I am ticking **Other** box

Who will be doing these inspections?? Will there be a team of qualified people, or a group looking for excuses to get rid of us.

None of the options are preferred. Why can't we be treated like everyone else in the district and only inspect when you would other properties. This should be done once and only be an **external lot inspection, if at all**. Is it even legal to do a community wide inspection? We need proof that it is. You make us feel like we have no rights whatsoever. It is becoming very distressing for a lot of the residents here. You need to think about your Duty of Care for our well being.

**Do you think the checklist covers the right things.**

Yes, **but for a Lot Inspection only**, providing the inspectors are qualified with no agenda to go looking for issues to make things more difficult and costly than they already are.

**If issues are identified during inspections what kind of support or communication would you expect from the Council**

I would expect a mutually agreed and respectful time frame to rectify issues.

Open and honest communication between parties.

## **Question 2: Environmental Events for Early Licence End**

I Googled whether it is legal to evict a leasehold community due to flooding and this is what it said..

While flooding can create challenging situations, evicting a leasehold community solely due to flooding is generally not permitted. Landlords must follow proper procedures and consider the extent of the damage before taking action.

In New Zealand it is generally not legal to evict a leasehold community simply because of flooding. While flooding can lead to uninhabitable conditions, the law prioritises tenant rights and landlords to follow specific procedures. Landlords may be able to end a tenancy if the property is severely damaged, but this requires proper notice and consideration of the extent of the damage.

### **1 Flooding affecting access:**

I do NOT consider having access cut off for 24 hours twice in a 12 month period a valid reason, on any basis, to warrant retreat. We deserve the same treatment as any other area in the district that has lost access. We get plenty of warning regarding potential flooding events and are very well prepared. Our very capable Civil Defence team here will look into arranging other methods to gain access should that be required in an emergency. Generally utes and other higher vehicles can still get through.

### **2 Destruction of Road cutting of Vehicle Access:**

This can NOT be a reason for permanent retreat.

Upper Huts residents are not the only users of Days Rd. SDC has got a responsibility to maintain Days Rd for access to the lake, Lower Selwyn Huts residents, farmers, DOC, ECAN, fishermen, duckshooters and many rowing teams. Days Rd is a disgrace to the district anyway. It is quite a narrow road, with many dangerous potholes. There is nowhere to go to avoid them if there is oncoming traffic. The occasional patchups, not repairs, don't last either.

### **3 Serious Harm Caused By a Flood Event:**

Should someone have the misfortune to be injured in an event here, we have a very capable Civil Defence team here, of which I am a member. Some of us have completed First Aid courses and continue to keep these by doing refresher courses, so feel we are capable and competent to deal with these situations. Should anyone require medical attention we would make arrangements to make this happen. We are also involved with Selwyn Gets Ready, who are there to help in an emergency. As stated in options 1 and 2 above, this is still not a valid reason to retreat a community. Options to alleviate and lighten these triggers must be investigated. The SDC triggers are inappropriate and open to interpretation, which gives you the power to unnecessarily terminate licences. You, the SDC have identified through your Jacobs Report, that environmental triggers and thresholds require a lot more scientific research and explanation. So far, this has not been completed.

I feel that if an independent body, without an agenda, confirmed there was serious risk to homes and people from a major event, making the Upper Hut settlement permanently uninhabitable, then a licence end date could be mutually agreed on.

Support and advice from the council... Emotional and medical support,  
accommodation help should this be required.  
I would expect the council do NOT use these issues to terminate licences.

**In Conclusion**

1. We ask that you let us be, to get on to live our lives in the peace and  
tranquility of this local purpose reserve for the purpose of hut settlement.

## Submitter Number: 159

**Full Name:** Blanche Fryer

**Organisation:**

**Wish to speak to the submission:** Yes

---



18/7 post

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](http://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](http://selwyn.govt.nz/USH).

### Privacy statement

Submissions are part of the public consultation process and are a public record. Anonymous submissions will not be accepted. Submissions including names are published on our website and in official documents so please do not include any personal information in the content of your submission you would prefer to be kept private.

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If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

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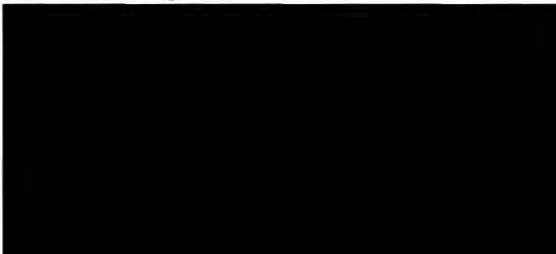
All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Blanche

Last name\* Fryer



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_



It has not been voted on in Council  
that the USHs are 'no renewal'

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30  
years total (i.e. 10 + 10 + 10 years).

\* None of the Above

Please explain the reason for your selection:

☒ I request a 'rolling term' of  
30 year term with a 'Renewable'  
option for 30 year (Subject to  
environment trigger points to  
be agreed)

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

The new Sewerage System and  
Aqualink / Ecan's reports give  
USH's a much longer possibility  
of licence.

The USH's is gazetted as a 'local  
purpose hut settlement.

that means its a community of  
people, of which have found a  
home, invested in, and found  
a place to settle.

We should be supported the same  
as all communities in Selwyn District are,  
and validated by being included  
in district wide rating for  
water infrastructure, as said  
by Mayor Sam B in Selwyn Times  
9th July 2015

10 | Upper Selwyn Huts | Consultation Document

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of  
people in the community.

Therefore, Council is proposing to include a new  
condition in the Deed of Licence that would result  
in a licence term ending earlier than expected if  
serious environmental events, like flooding or land  
movement, make the area unsafe to live in or too  
expensive to maintain. In some cases, it also might  
not be possible or affordable to rebuild roads or  
other infrastructure if they are badly damaged after a  
significant event.

We are asking for your feedback on three possible  
events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to  
the huts for more than 24 hours, twice in a  
12-month period. "Cut off vehicle access"  
means where emergency services cannot reach  
the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage  
that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury  
or fatalities within the settlement.

Are there any of the proposed events you  
disagree with?

☐ Yes ☐ No

Please explain your reason:

See Answer A

Attached

Are there any additional events that you think should  
be considered?

☐ Yes ☐ No

Please add your comments:

See Answer B

Attached

② Environmental Events for early licence end.

Are there any of the proposed events you disagree with?  
☒ yes (A)

If any of the Council's submission scenarios were given to any other settlement in NZ as reasons not to allow people to live... the place would be uninhabited! There would be no coastal cities, towns or settlement, no riverside or valley settlement. So far in 130 yrs, the USH's have had no flooding, no loss of life, no road washouts.

There needs to be relevant 'Trigger Points' as a significant event causing serious damage that cannot be mitigated.

Feedback on your three possible events:

☒ yes (B)

Only if a significant event causing serious damage, that cannot be mitigated.

We lost our house in the ch ch earthquakes due to rockfall and red zoned.

The huts were our safe place for the next 3 years.

(C) I would expect the Council to treat the USH's as it treats all its citizens, rate payers, licence/lease holders. In minor events, repair minor road damage repair access. If a major environmental disaster occurred it would affect a lot of the Selwyn District and we would face that with the support from civil defence community, Council and Govt, family and insurance for those who have it.

If the huts are redeemable or not - it would be a decision made at that point.



## OPINION

# Leadership means being honest about the hard calls

**Sam**  
Broughton

SELWYN MAYOR



Every week I meet people in our parks, sports clubs, schools and town centres who remind me how lucky we are to live in Selwyn.

Whether you've been here for generations or just moved in, there's a shared pride in what we've built together.

We're the fastest-growing district in New Zealand, with some of the best and newest facilities and infrastructure for our community in the country. Progress like this doesn't occur by accident. It has taken years of careful planning and close partnerships with

rūnanga, central government, volunteers and local businesses, with a commitment to getting things done, not just talking about it.

I know there's frustration right now about the rates increase. I've heard that loud and clear.

This was not an easy decision, but it was a necessary one. Selwyn made a call to invest in the infrastructure that underpins our lives - roads, water, wastewater, parks, so people can get on with living, working, and raising their families here.

Across the 10-year life of our Long Term Plan, the average rates increase will be 8.5%, dropping to under 4% in eight years. My commitment is to follow through on that downward trajectory. We cannot keep passing costs onto the next generation. Leadership means being honest about the hard calls and owning them today.

Some people have asked why we didn't consult in 2025 on our Annual Plan.

Our community had a strong say on the Long Term Plan just eight months earlier and the direction was clear - more than 1500 submissions helped shape that direction.

Engaging with our community is critical, but so is respecting the feedback we had already received. Repeating consultation within 12 months on the same matter is a waste of time and money when people have already told us to get on with it.

Water reform has been another difficult topic, especially for our region. It was important we listened to your thoughts and concerns. We held a three-week consultation followed by



The rates increase was not an easy decision, but a necessary one, Broughton says.

in-person hearings and read every submission. We also considered expert advice, staff experience, and global best-practice examples.

We then chose a model that will ensure Selwyn retains public ownership of our water and will lead to long-term savings. This wasn't about what's popular now, it was about what's right for the future.

My focus is firmly on holding the line on costs while continuing to invest wisely. This includes our major district park at Levi Rd, a green heart for our growing community.

66  
"My focus is firmly on holding the line on costs while continuing to invest wisely."

Sam Broughton

We've also made real gains in rural equity by continuing the cross-subsidising of rural water infrastructure, one price for all of Selwyn regardless of where you live. This eases the burden on small schemes and recognises the vital economic role of our rural ratepayers.

At this upcoming election, at least half of the councillors will be new due to retirements. That's exciting, but it also makes continuity essential. While it will be great to get fresh voices around the table, we need proven leadership to keep momentum going.

I am honoured to serve as your mayor, and to do so with transparency, consistency, and respect for the community's voice. I want to reassure you that keeping Selwyn affordable remains a top priority. I'm proud of what we've achieved together and am ready to keep delivering.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

See answer (C)

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

See answer re Bond requirement

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

See answer

Do you think the checklist covers the right things?

☐ Yes ☐ No ☐ Not sure

Please specify what you would change:

2

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

3

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

4



### 3. Bond requirement.

Question ①

We have not needed a bond in the last 130 yrs!  
The SDC is preposing to add yet more of a burden of debt onto a community of significantly lower income, single people and families (Re-Census and Jacobs report)  
The UGH's pay to the SDC a Licence

+ Rates.  
Now SDC preposes.  
+ New Sewerage Costs (30% of ?)  
+ Waste water  
+ Bond \$5,000.  
+ Cost of repair (if needed) or red sticks

Question ② in Bond inclusion

If you sell your Dwelling, do you get a refund from the council of your bond?

How much is the bond?

What does it cover?

### 4. Building Condition inspection programme.

① ☒ only when complaint or issue raised.

There are several dwellings that are abit basic and run down.

The Council has a long history of not intervening when repeatedly asked to enforce licence rules on multiple vehicles, neglect, hording, parking on riverbank etc etc. This often causes conflict between residence.

② ☒ not sure.

Many dwellings are historical and reflect the building code of the past - but are still quite livable, being warm, dry and lots of charm.

③ If issues identified..... I would expect good advise!

④ Do I have other feedback.....

Question - Are inspections legal?



## Submitter Number: 160

**Full Name:** Duncan Robertson

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

None of the above.

My partner and I completely disagree with what you have offered us. It is clear that the consultation was a waste of time. Why would my partner and myself agree to losing our house? I think we all want the same as our barrister suggested in her legal opinion (attached) - the Licence should run for 30 years and should be able to be renewed subject to agreed environmental triggers.

Why are you trying to remove us from here? You have given us a number of reasons since you first started to try but we still don't know what the reason is now. I read that when the Councillors met in March this year, the report they were given said that no one should be made homeless. If you vote for any of the options given, you will make most of the community homeless. We also think the vote should happen after the elections as the new Council will have to keep working on this and we will continue to fight.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

Read your own reports – it is too early to use triggers and you need to do more research on them. Whatever triggers are decided, they should be decided with us. The ones you have listed are not a reason to evict us.

Road closed for flooding – not a problem as we would be gone.

Road damaged – fix the road as others use it.

Serious injury or death – that is something to decide in the future because surely it depends on what happened. If someone was killed or injured in an earthquake for example that should not be a reason to evict everyone else.

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**Are there any additional events that you think should be considered?**

No

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

talk to us

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

no bond needed

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**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

Why? You only do this everywhere else if someone contacts the Council to complain so why on earth would you do this here? We own our homes/baches – they are not rentals

**Do you think the checklist covers the right things?**

No

Please specify what you would change  
not the buildings

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 161

**Full Name:** Tala Laurance

**Organisation:**

**Wish to speak to the submission:** No

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**What is your connection or interest to Upper Selwyn Huts?**

I have an interest in the area

Other

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**What is your interest in the area?**

Spent alot of time there as a child

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

I am selecting 30 years by oppose the proposed non-renewable licence model - i.e. are NOT selecting non-renewal. It introduces uncertainty and hardship for Upper Selwyn Huts residents, many of whom have strong generational ties to the area. While I acknowledge that environmental risk must be considered, this approach feels punitive when compared with the treatment of other at-risk communities in Aotearoa New Zealand.

Local Government Act 2002 (s.14) requires councils to act fairly, transparently, and to take account of the diversity of their communities. A blanket non-renewal clause may breach the spirit of this requirement.

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**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

Other councils managing council hazard areas or retreat processes—such as Christchurch City Council (Southshore, Brooklands), or Wellington Regional Council (Eastbourne)—have not imposed such rigid, time-limited occupancy models on existing leaseholders. Selwyn Council is unjustified in their actions that propose non-renewal.

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Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

I disagree with all three triggers being used as automatic conditions to terminate licences early. These same conditions could affect many communities across Selwyn — such as in Coes Ford, Tai Tapu, or Leeston — yet no such licence termination policies are proposed there.

It is unfair to single out Upper Selwyn Huts residents for treatment not applied to others. Safety decisions should be based on consistent district-wide hazard planning, not selective policies.

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**Are there any additional events that you think should be considered?**

No

Please add your comments:

No — I believe environmental risk should be managed fairly across all properties in the district through civil defence planning, infrastructure management, and building consents, not through selective licence conditions. The risks listed already apply to



many areas in Selwyn and should not be used solely to justify terminating Upper Selwyn Huts licences.

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

I would want Council to take a fair, case-by-case approach based on up-to-date hazard assessments, engineering advice, and consultation with affected residents.

Council must also consider how it responds to similar events elsewhere in the district — including whether permanent property owners in other flood-prone or isolated areas are allowed to rebuild or remain. Residents at Upper Selwyn Huts should not be disadvantaged simply because they are on Council-managed land. Equal treatment is essential.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

This bond should not apply at all. No other residential property owners in New Zealand are required to pay a bond for the future removal of homes they legally purchased, especially when there was no prior disclosure that such a cost would exist. These huts have existed in some cases since the late 1800s, and current owners acquired them in good faith under the understanding that their occupation was lawful and permanent unless otherwise stated.

Applying a bond now is retroactive and unfair, and may breach the principles of natural justice under New Zealand administrative law.

---

**Please add your comments:**

The proposed bond sets a dangerous precedent. There is no comparable requirement elsewhere in New Zealand for homeowners or leaseholders to pay for hypothetical future removal of homes due to hazard risk or land tenure — particularly not retroactively.

Council has not demonstrated why this specific group of residents should bear costs no one else in the district (or country) faces. It may breach Section 14 of the Local

Government Act 2002, which requires councils to act transparently, fairly, and in ways that promote the social, economic, and cultural wellbeing of communities.

Introducing a bond with no historical precedent or legal mandate could be open to challenge.

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

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**Please add your comments:**

No regular inspection regime should be imposed on Upper Selwyn Huts residents. Selwyn District Council's own policy — the Dangerous, Affected & Insanitary Buildings (DAIB) Policy — does not require routine inspections for other residential buildings in the district, regardless of age or hazard risk.

Inspections are only triggered by a specific concern, complaint, or incident. This principle should apply equally here.

Creating a more intrusive inspection regime only for this community is inconsistent, inequitable, and risks breaching the Local Government Act 2002, which requires consistent and fair treatment of all residents.

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

checklist appears to be a bespoke compliance tool aimed solely at Upper Selwyn Huts.

There's no equivalent used for other old, relocated, or unconsented buildings in the district.

If Selwyn District Council believes a checklist like this is necessary for health and safety, it should be applied to all buildings of similar age or risk, not just to licence-holders.

As it stands, the checklist seems like an enforcement mechanism rather than a support tool, and that undermines trust in Council's intentions.

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**  
I would expect Council to:

Communicate clearly and in writing, with reference to relevant legal obligations (e.g. the Building Act 2004, DAIB Policy, or licence agreement),

Allow reasonable timeframes to address non-urgent issues,  
offer technical support, especially given that many huts are historic and built with now-uncommon materials or methods,

Provide consistency with how other Selwyn ratepayers and property owners are treated when building issues are identified.

Any enforcement must be fair, and not disproportionately harsh due to the licence-holder status of residents.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Council must not use inspections as a way to escalate evictions or drive a managed retreat strategy. Any inspection regime needs to be legally grounded and equally applied.

According to the DAIB Policy, Selwyn District Council does not proactively inspect other buildings unless a complaint or risk is identified. Therefore, any unique inspection scheme for this community is unjustified and creates a precedent of unequal treatment.

Residents should be protected by the same rights and processes afforded to all other residents in the district — including the right to fair notice, due process, and case-by-case consideration under law.

## Submitter Number: 162

**Full Name:** Graeme Young

**Organisation:**

**Wish to speak to the submission:** Yes

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**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

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**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

None of the above.

Other: 30 year licence term, with 30 year renewals.

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Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

I disagree with all of them. None are reasons to end term of licence.

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**Are there any additional events that you think should be considered?**

No

Please add your comments:

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

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Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

I do not agree with a bond.

---

**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Never

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**Please add your comments:**

We are not tenants of our own homes therefore there is no reason for building inspections.

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**



## Submitter Number: 163

**Full Name:** Erin Smyth

**Organisation:**

**Wish to speak to the submission:** No

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**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

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**Do you have any other feedback on licence terms?**

Yes

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**Please add your comments:**

I am taking the advice from our Barrister Clare Lenihan's which is as follows

Residents seek a licence term of 30 years with the rights of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed) as recommended by our Barrister, Clare Lenihan 20 June 2025.

Clare Lenihan's Opinion concludes:

## Legal Obligations

: Council's role is administrator of a local purpose reserve for the purpose of hut settlement which includes the notion of community. They have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purposes. Other legal obligations also include protecting its historic values; recognising the community's diversity; and promoting the social, economic and cultural well-being of its community, both now and into the future.

Licence Term: The Council is not bound by any finite licence term and can grant a licence for more than one term of 33 years under the ROLD Act 1924 or the Reserves Act 1977. They are also not bound by their 2019 resolution that hut licences are short term and ultimately finite.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

### **Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

We do not consider access being cut off for 24 hours a valid reason to warrant retreat.

We would like to be treated the same as if access to any other area of Selwyn is cut off.

The Council has not provided any criteria (such as water level) that warrant a decision of access being unsafe/cut off. Civil Defence have stated to us that their teams will always “look at different methods to gain access if required”.

USH are not the only users of Days Road. This road should be maintained as the main access to the lake. Users include USH, LSH, the farm house, DoC, ECAN and users of the boat ramp to the lake. Destruction of this road is not a reason for USH to be permanently retreated.

Closing a rural road is not a simple process as it involves an application to the Minister of Lands and consultation.

We believe the Council has a responsibility of maintaining this road and this should not affect USH’s licence to occupy.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

As identified by the Council’s own Jacob’s report, environmental triggers and thresholds require more scientific investigation and clear explanation and rationale for the community. This has not yet been completed.

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

The same thing we have been asking for, community led decision making on anything that affects us, including collaboration with and empowerment of our community.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

No

Please add your comments

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

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**Please add your comments:**

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**Do you think the checklist covers the right things?**

No

Please specify what you would change

More details and measurements of what is being checked and what the consequences would be if any of these items are failed.

Failing any items in the inspection checklist should not lead to licence termination.

“External weathertightness – roof and walls – sound, durable, weatherproof, and maintained”. This item is too broad and subjective.

Community is concerned that failing items in the inspection checklist will lead to unnecessary and intrusive internal house inspections.

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Mutually agreed time to remediate without punitive consequences.

Open two way communication during the remediation period.

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**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 164

**Full Name:** Bruce Thomson

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

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**What is your interest in the area?**

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Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

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**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

The Selwyn District Council has not given any valid reason that justifies a non renewable licence. All independent evidence and reports, including Jacobs Consultancy, have not supported a non-renewable licence. As per attached Legal Advice, June 2025, I as a Resident I seek a licence term of 30 years with the rights of renewal for further terms of 30 years. Legal Obligations: Council's role is administrator of a local purpose reserve for the purpose of hut settlement which includes the notion of community. They have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purposes.

Other legal obligations also include protecting its historic values; recognising the community's diversity; and promoting the social, economic and cultural well-being of its community, both now and into the future.

The Council is not bound by any finite licence term and can grant a licence for more than one term of 33 years under the ROLD Act 1924 or the Reserves Act 1977. They are also not bound by their 2019 resolution that hut licences are short term and ultimately finite. Council priority is the safety and wellbeing of people in the community.

I am a lifetime licence holder. In fact I have held licences for two properties over my lifetime, 7 Spackman Avenue and more lately 101 Billens Avenue this was built by my late father in 1949.

My extended family spent their holidays at the Selwyn, and fished and hunted for ducks and geese in the surrounding marshes.

Many stories of escapades have emerged in liaisons with the Warren, Boniface, Fairbairn, Novice, Timbrell, Stempa, Duckworth and many other families over the years. I am growing old now but the memories still flood back to me as my kids and my grandkids and their hangers-on enjoy the place and benefit from its calmness and drugfree lifestyles.

Readers of this submission can confidently rely on the fact that I am certain that a unique aura settles over all once they have shared the Selwyn experience.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*



3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

1. Status quo – Council to repair road – there is a lot of activity around this access.
2. Status quo – Council to repair
3. Status quo – Council to repair infrastructure

The Selwyn District Council's own Jacob's report, dated March 2025, recognised that anticipated impacts from climate related hazards were not as significant as previously thought and require more investigation. This has not yet been undertaken.

The above triggers are to me, unsuitable, suggesting that the USH settlement is frequently affected by floodwaters.

This has never happened in my **73 years** of belonging to the community.

The above triggers are also very vague and therefore open to many different interpretations and may give the Selwyn District Council power to terminate licences arbitrarily. Environmental events leading to an early licence termination would only be justified if a significant event causing serious damage to homes, property, people and the community occurred.

---

**Are there any additional events that you think should be considered?**

Yes

Please add your comments:

Tidal surge or Tsunami

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**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

If the area were to become too unsafe to inhabit, the council would be responsible for reinstating the site, returning dwellings and belongings to licence holders as the lot had not been abandoned nor deliberately left in poor condition. As per the Selwyn District Councils' own remit, their priority is the safety and wellbeing of the community.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

A bond should not apply at all. It is unjust and unfair to consider applying a bond to pay to demolish our homes. The majority of us are retiree's or generational hut owners who choose to live or spend time at the USH as a lifestyle choice, belonging to a community of support and common ideals.

---

**Please add your comments:**

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**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

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Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

At the signing of the 30 year renewable lease

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**Please add your comments:**

There are rental properties within our USH community with tenants who are renting substandard properties. The properties do not meet healthy homes standards as required by law. The council has been lax in allowing landlords and property owners to benefit from these substandard homes. Unfortunately to the detriment of our USH community, several property speculators have found our settlement, buying and renting out multiple substandard properties. Building inspections should be carried out to give the Selwyn District Council a baseline of the condition of our home. With this baseline the Selwyn District Council will be able to move forward with supporting owners to bring their homes and

properties up to a healthy homes standard. This needs to be done through the lens of helping and enabling the people of our community rather than a means to terminate anyones right to stay in their dwelling.

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

Owners need to be notified with an appropriate lead time, of inspection date to be mutually agreed. Properties need to be assessed as fit to inhabit and separate assessment tool needs to be developed for the purposes of assessing rental properties at the USH.

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**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Entirely dependant on what issues were identified. USH residents should expect transparency, honest and full support to attend to or rectify any issues.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Selwyn Upper Huts draft licence – Revue Copy BR Thomson

Future Deed of Licence for Upper Selwyn Huts

Selwyn Postal Address: [REDACTED]

Suburb: City: [REDACTED]

Home address: [REDACTED]

Future Deed of Licence for Upper Selwyn Huts

Submitter Details Submission Date: 19/07/2025: Bruce Thomson

I do not wish to attend a Council hearing to present my submission but ask that the following submission be fully considered.

Submitter Details Submission Date: 19/07/2025

First name: Bruce Thomson

Do you wish to attend a Council hearing to present your submission

No I ask that my submission be fully considered.

Feedback

What is your connection or interest to Upper Selwyn Huts?

I am a lifetime licence holder. In fact I have held licences for two properties over my lifetime, [REDACTED]. My extended family spent their holidays at the Selwyn, and fished and hunted for ducks and geese in the surrounding marshes. Many stories of escapades have emerged in liaisons with the Warren, Boniface, Fairbairn, Novice, Timbrell, Stempa, Duckworth and many other families over the years.

I am growing old now but the memories still flood back to me as my kids and my grandkids and their hangers-on enjoy the place and benefit from its calmness and drugfree lifestyles.

Readers of this submission can confidently rely on the fact that I am certain that a unique aura settles over all once they have shared the Selwyn experience.

## Questions

None of the proposed terms are acceptable to me as they are all finite terms.

I prefer people to come into the settlement after having a look around and making their minds up on what they find, rather than being told what to expect. Should they wish to ask they will find out the Selwyn Huts has never been flooded even prior to the installation of the Stop Banks.

Thomson, None of the 3 above are acceptable

The Selwyn District Council has not given any valid reason that justifies a non renewable licence. All independent evidence and reports, including Jacobs Consultancy, have not supported a non-renewable licence. As per attached Legal Advice, June 2025, I as a Resident I seek a licence term of 30 years with the rights of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed). Legal Obligations: Council's role is administrator of a local purpose reserve for the purpose of hut settlement which includes the notion of community. They have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purposes. Other legal obligations also include protecting its historic values; recognising the community's diversity; and promoting the social, economic and cultural well-being of its community, both now and into the future.

### Licence Term:

The Council is not bound by any finite licence term and can grant a licence for more than one term of 33 years under the ROLD Act 1924 or the Reserves Act 1977. They are also not bound by their 2019 resolution that hut licences are short term and ultimately finite. Council's priority is the safety and wellbeing of people in the community. Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land area unsafe to live in or too expensive to maintain. In some cases, it movement, make the also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period

Status quo – Council to repair road – there is a lot of activity around this access.

2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*

Status quo – Council to repair

3. Serious harm caused by a flood event.

Status quo – Council to repair infrastructure

Cut off vehicle access means where emergency services cannot reach the area.

Are there any of the proposed events you disagree with?

Yes

Please explain your reason:

The Selwyn District Council's own Jacob's report, dated March 2025, recognised that anticipated impacts from climate related hazards were not as significant as previously thought and require more investigation. This has not yet been undertaken. The above triggers are to me, unsuitable, suggesting that the USH settlement is frequently affected by floodwaters. This has never happened in my 73 years of belonging to the community. The above triggers are also very vague and therefore open to many different interpretations and may give the Selwyn District Council power to terminate licences arbitrarily. Environmental events leading to an early licence termination would only be justified if a significant event causing serious damage to homes, property, people and the community occurred.

Are there any additional events that you think should be considered? Please add your comments: Tidal surge or Tsunami

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

If the area were to become too unsafe to inhabit, the council would be responsible for reinstating the site, returning dwellings and belongings to licence holders as the lot had not been abandoned nor deliberately left in poor condition. As per the Selwyn District Councils' own remit, their priority is the safety and wellbeing of the community.

Councils Bond Idea

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built. Are there any situations where you think the bond requirement should not apply?

A bond should not apply at all. It is unjust and unfair to consider applying a bond to pay to demolish our homes. The majority of us are retiree's or generational hut owners who choose to live or spend time at the USH as a lifestyle choice, belonging to a community of support and common ideals.

Please add your comments: Do you have any other feedback or suggestions on the inclusion of a bond?

No



#### Building Condition assessment

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the Building Condition Inspection Checklist [here](#). Please review the checklist and provide your feedback to the following questions.

How often do you think building inspections should occur? to provide a baseline Please your comment

My home was issued a Code Compliance Certificate 5/02/13. No other building work has taken place since this date. There are rental properties within our USH community with tenants who are renting substandard properties. The properties do not meet healthy homes standards as required by law. The council has been lax in allowing landlords and property owners to benefit from these substandard homes. Unfortunately to the detriment of our USH community, several 'property speculators' have found our settlement, buying and renting out multiple substandard properties. Building inspections should be carried out to give the Selwyn District Council a baseline of the condition of our home. With this baseline the Selwyn District Council will be able to move forward with supporting owners to bring their homes and properties up to a healthy homes standard. This needs to be done through the lens of helping and enabling the people of our community rather than a means to terminate anyone's right to stay in their dwelling.

Do you think the checklist covers the right things? Please specify what you would change If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Entirely dependant on what issues were identified. USH residents should expect transparency, honest and full support to attend to or rectify any issues.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Owners need to be satisfied that the building they are offering for rental or sale complies with the prevailing building codes

Owners need to be notified with an appropriate lead time, of inspection date to be mutually agreed. Properties need to be assessed as fit to inhabit and separate assessment tool needs to be developed for the purposes of assessing rental properties at the USH.

Name Barrister Opinion - C Lenihan to SDC {for Resident submissions} 20 June 2025.pdf  
Future Deed of Licence for Upper Selwyn Huts Bruce Thomson

With an appropriate lead time, of inspection date to be mutually agreed Properties need to be assessed as fit to inhabit and separate assessment tool needs to be developed for the purposes of assessing rental properties at the USH. Name Barrister Opinion - C Lenihan to SDC (for

Resident submissions 29 June 2025.pdf Future Deed of Licence for Upper Selwyn Huts from Thomson, Bruce

## Submitter Number: 165

**Full Name:** Susanne, Janice and John Antill

**Organisation:**

**Wish to speak to the submission:** No

---

### What is your connection or interest to Upper Selwyn Huts?

Other

We support the residents at Upper Selwyn Huts

---

### What is your interest in the area?

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Rolling 10-year terms (with the ability to renew, up to a maximum of 30 years total, i.e. 10 + 10 + 10 years)

[Please explain the reason for your selection:](#)

The new Deeds of Licence at Selwyn Huts should be renewable and open ended.

Residents should not be evicted and forced to leave.

They need security of tenure.

Both reports the Selwyn District Council commissioned last year concluded the settlement would not be affected by rising groundwater and lake levels for thirty years or even later in the century.

This threat of eviction is reminiscent of forced evictions and displacement of the crofters in Scotland in the 1880s. Crofters had few legal rights and landowners were seeking to maximise profits. This led to the displacement of communities.

We belong to Ngai Tahu and believe the residents at Selwyn Huts should stay permanently.

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

The new Deeds of Licence at Selwyn Huts should be renewable and open ended.

Residents should not be evicted and forced to leave.

They need security of tenure.

Both reports the Selwyn District Council commissioned last year concluded the settlement would not be affected by rising groundwater and lake levels for thirty years or even later in the century.

This threat of eviction is reminiscent of forced evictions and displacement of the crofters in Scotland in the 1880s. Crofters had few legal rights and landowners were seeking to maximise profits. This led to the displacement of communities.

We belong to Ngai Tahu and believe the residents at Selwyn Huts should stay permanently.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*

3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

The new Deeds of Licence at Selwyn Huts should be renewable and open ended.

Residents should not be evicted and forced to leave.

They need security of tenure.

Both reports the Selwyn District Council commissioned last year concluded the settlement would not be affected by rising groundwater and lake levels for thirty years or even later in the century.

This threat of eviction is reminiscent of forced evictions and displacement of the crofters in Scotland in the 1880s. Crofters had few legal rights and landowners were seeking to maximise profits. This led to the displacement of communities.

We belong to Ngai Tahu and believe the residents at Selwyn Huts should stay permanently.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

The new Deeds of Licence at Selwyn Huts should be renewable and open ended.

Residents should not be evicted and forced to leave.

They need security of tenure.

Both reports the Selwyn District Council commissioned last year concluded the settlement would not be affected by rising groundwater and lake levels for thirty years or even later in the century.

This threat of eviction is reminiscent of forced evictions and displacement of the crofters in Scotland in the 1880s. Crofters had few legal rights and landowners were seeking to maximise profits. This led to the displacement of communities.

We belong to Ngai Tahu and believe the residents at Selwyn Huts should stay permanently.

---

**Please add your comments:**

The new Deeds of Licence at Selwyn Huts should be renewable and open ended.

Residents should not be evicted and forced to leave.

They need security of tenure.

Both reports the Selwyn District Council commissioned last year concluded the settlement would not be affected by rising groundwater and lake levels for thirty years or even later in the century.

This threat of eviction is reminiscent of forced evictions and displacement of the crofters in Scotland in the 1880s. Crofters had few legal rights and landowners were seeking to maximise profits. This led to the displacement of communities.

We belong to Ngai Tahu and believe the residents at Selwyn Huts should stay permanently.

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes



---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 166

**Full Name:** Daniel Te Ngaru

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

I am not a licence holder but I live at Upper Selwyn Huts

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

Ko Selwyn Huts tōku tūrangawaewae. This place is not just our home, it's where we belong. Where I had planned to grow old and one day pass on our whare to my son so he too can stand strong among the community that raised him. 5 years is a death sentence, 30 years is a slow erasure. You aren't just getting rid of houses, you're killing a beautiful community and a way of life that is all too hard to find these days. You don't even understand what you're destroying, and I pray that you never know this grief. I would not wish this emotional turmoil you've inflicted on us upon my worst enemy. Please reconsider - let us stay beyond the 30 years if it's still safe to be here. You have the power to make this happen. Refer to the Selwyn Huts Owners' Association's submission and letter from Clare Lenihan

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

1 & 2 are not acceptable or reasonable. It just feels like another excuse to try to kick us out. Even the Jacobs report said it's too early to be talking about triggers. Refer to the Association's submission

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

Not at this stage, but yes potentially in the future if it looked like other events may pose a serious threat, but mitigation options should also be considered

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

The impact to the community, the effect on our wellbeing and where we will all go.

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

A bond shouldn't be required. It never has been in the past, and we disagree with the finite decision so disagree with having to pay a bond, especially when all our fees are set to increase and the cost of living is sky rocketing. Is this another way to try to push people out?

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Only when the SDC receives a legitimate complaint

---

**Please add your comments:**

The Council has shattered all trust. We are stressed, angry and exhausted by the threat of unjust eviction and the thought of inspectors weaponising compliance. We've seen it happen already, a home wrongfully red stickered and a resident put through a stressful experience

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

The list feels vague and open to interpretation. It feels like it's being used as a weapon against us.

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

Whatever support Council is able to offer! It should not result in a termination of licence. If a genuine safety concern is found then the Council should work with the home owner to rectify the issue.

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

Refer to the Association's submission

## Submitter Number: 167

**Full Name:** Suzanne Allen

**Organisation:**

**Wish to speak to the submission:** Yes

---



Lease Library 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH).

### Privacy statement

Submissions are part of the public consultation process and are a public record. Anonymous submissions will not be accepted. Submissions including names are published on our website and in official documents so please do not include any personal information in the content of your submission you would prefer to be kept private.

While contact details (address, phone number and email address) are provided to elected members along with your feedback to be considered when making their decisions, contact details will not be made publicly available on the Council's website or official documentation.

If someone requests a copy of submissions through the Local Government Official Information and Meetings Act 1987, name and contact details must be supplied. If you have good reason as to why your personal details and/or feedback should be kept confidential please contact [huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz) outlining your reasons.

If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

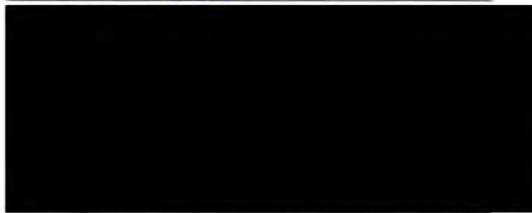
All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* SUZANNE

Last name\* ALLEN



Email address\*

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

SOMEONE WHO HAS ENJOYED THIS PLACE FOR 30 YRS

☒ Other: ROTE PAYER x 2

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

THERE IS ABSOLUTELY NO REASON  
TO PUT ANY FINITE DATE ON  
LICENCE. NOTHING FEASIBLE OF  
BELIEVABLE HAS EVER BEEN SAID  
TO US. OUR BARRISTER HAS  
COUNTERED EVERY THING YOU HAVE  
PUT FORWARD

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

BE OPEN & TRANSPARENT AS TO WHY  
YOU WANT US GONE!! WE DO  
NO HARM, PAY OUR WAY, BUT  
FOR SOME REASON WE IRRATE  
YOU OR YOU HAVE SOMETHING  
IN A LONG TERM PLAN THAT YOU  
EXPECT THE NEW COUNCIL  
TO FOLLOW THROUGH WITH

PLEASE SHARE THIS INFO!!

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

YES 1 & 2. "CUT OF VEHICLE ACCESS"  
LOOK AT THE REST OF THE COUNTRY. NO  
TERMINATION!! 4 WHEEL DRIVES CAN  
GET THROUGH AND ALWAYS HAVE ROAD DAMAGE IS  
YOUR RESPONSIBILITY.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

ONLY SERIOUS HARM EVENT, BUT EVACUATION  
WOULD HAVE HAPPENED WELL BEFORE  
THAT AS THE COMMITTEE IS VERY PRO ACTIVE  
WHEN IT COMES TO RESIDENT WELFARE.



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

AS YOU WOULD TO ANY COMMUNITY  
BE SUPPORTIVE, EMPATHETIC  
ASSIST IN EVERYWAY YOU ARE  
LEGALLY BOUND TO DO AND  
LOOK AT "HOW THIS HAPPENED"  
CONSULT WITH COMMUNITY (AND  
I MEAN LISTEN) AND FIND A  
WAY FORWARD.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

NO WAY! NEVER!  
WHY SHOULD YOU GET INTEREST  
ON OUR MONEY FOR SOMETHING  
YOU HAVE NOT EVEN GIVEN US  
ANY INFO ON?

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

SDC HAS STATED WE ARE TO LEAVE  
A CLEARED SITE. WHEN ASKED WHAT  
THIS WOULD LOOK LIKE, TIM SAID  
PDE SETTLEMENT.  
WHAT DOES THAT LOOK LIKE? NO  
TREES, NO LIGHTING, NO PLAYGROUND, NO  
TENNIS COURT, TOILETS, SHEDS???  
LONG GRASS, NATIVE BUSHES, ETC. SHOW  
PHOTOS. DON'T TRY TO BILL ME  
LATER WHEN YOU CAN'T SO WHAT IT LOOKED LIKE  
130 YEARS AGO.

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

NO WAY! SHOULD BE ANY DIFFERENT  
FROM ANY OTHER RATEPAYER. SDC ONLY  
ADMINISTER THE LICENCE FOR THE LOT  
NOT THE BUILDING!!

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

THERE IS NOTHING THAT MAKES ANY  
SENSE. A WASTE OF PAPER, TIME & EXPENSE.  
JUST TAKE WITH US, LISTEN, PUT FORWARD  
"FACT BASED" POINTS.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

A NO BLAME!! YOU WOULD ONLY  
ASK TO RE-INSPECT A HOME IF A  
COMPLAINT WAS MADE LIKE ALL OTHER RATEPAYERS  
ARE TREATED. THEN COMMUNICATE, ASSIST & A DECENT  
TIME FRAME.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

AS ABOVE

## Submitter Number: 168

**Full Name:** Anne Curtis

**Organisation:**

**Wish to speak to the submission:** No

---

Counter 21/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

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If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Anne

Last name\* Curtis

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_





## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I DO NOT AGREE WITH THE  
ABOVE OPTIONS.  
Residents seek a licence  
Term of 30 years, with the  
rights of Renewal, for further  
terms of 30 years.

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

YES THIS IS MY HOME!  
Our legal opinion suggests  
you can issue a licence  
that's renewable, and  
you have a legal  
Obligation as administrator  
to protect and to maintain  
this Special Purpose Reserve  
for that Settlement.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

This has never  
happened..  
and if Flooding happened  
that us the same as the  
DISTRICT.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

refer to the Jacobs  
report.  
Re Triggers.



20 May June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

Re: Upper Selwyn Huts – Council meeting 21 May September 2025 - process for further consultation on options for the future of Upper Selwyn Huts and Licence term

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

*Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”*

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act – these licencees are granted under the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the **ROLDA Act**). The provisions in the ROLDA Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)

reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. **There is no limit on term under that Act.**

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to – **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, which also focus on the community.
- (iv) The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).
- (v) When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). **Technically there is no limit on the total term of a licence for the USH under the Reserves Act 1977.**
- (vi) In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>3</sup> It varies depending on lease types and the specific activity proposed.

<sup>4</sup> Section 168 ROLD Act and Section 61 Reserves Act 1977.

<sup>5</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>6</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>7</sup> Section 3 and 10 Local Government Act 2002.

<sup>8</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002.

<sup>9</sup> Section 10(1)(a) Local Government Act 2002.

- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as "significant", as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now "moderate". The circumstances surrounding the categorisation of the issue as "significant" in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

*Under what Act is the power to grant a lease or licence?*

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to "the Commissioner", this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Optima Concrete Preservation Inc v For North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted "The power to grant licences is more constrained than the leasing power." At [97].

7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding mine**):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is "subject to the other provisions of this section", s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> "twenty perches"<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m2.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act

appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.

13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

*What term can be granted?*

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.

15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.

16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:

- (i) the overarching purpose of the Reserves Act;
- (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
- (iii) lease and licence terms available for various reserve types under the Reserves Act.

17. Under the Reserves Act, the following terms can be granted:

- (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)



- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes; and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term. Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, under the ROLD Act as it. Guidance under the Reserves Act indicates Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:
- The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*
26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:
- On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*
28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."
29. Section 5.4 sets out:

"The consultation asks the following two questions:

- (i) Please select your preferred licence term from the options below
- o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?
  - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?
  - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29

(ii) *Do you have any other feedback?*"

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
- (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
- (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

**(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,

and the type of Licence granted to the Licensee is specified in Schedule 1.

- (iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council. DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994

(iv) Schedule: **Permanent** licences terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
- (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT's List/Rārangī Korero as a historic area; and that they are added to SDC's District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.

49. The functions of administering bodies include<sup>50</sup> to ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.

50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.

51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:

- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
- (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
- (iii) Option 3: Triggers with no end date, relying on environmental conditions.
- (iv) Option 4: 5-year rollover.

53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.

54. Given:

- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
- (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
- (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
- (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
- (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

(vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;

(vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>.

(viii) Given the reserve purpose is "hut settlement", and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

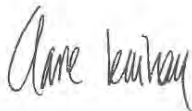
~~Triggers with no end date, relying on environmental conditions.~~

#### B. Significance and Engagement

*Confirm this issue continues to be classed as "significant", as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now "moderate". The circumstances surrounding the categorisation of the issue as "significant" in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kiri Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.



## Appendix One – Section 61 Reserves Act 1977

### Section 61 Powers (including leasing) in respect of local purpose reserves

(1) The administering body of a local purpose reserve may, in the exercise of its functions under section 40, do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.

(2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the Public Bodies Leases Act 1969.

(2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
- (b) farming, grazing, cultivation, cropping, or other like purposes.

(2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:

- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
- (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

(3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (UOA), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangī Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

In a Disaster  
Everyone in the wider  
District (including us)  
should be treated the  
same

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

There should be NO!  
BOND.

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

If Council want this  
Land... They should  
PAY!

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

Inspect every building  
in Selwyn - not just us.  
and the 'LOT' only.

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

A decent time frame  
to rectify... and support.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

NO.

## Submitter Number: 169

**Full Name:** John Ferguson

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

Other

Reside in Motukarara which also has potential flooding issues

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

If the sewage scheme has a life of 50 years, the licence should be for the same period.

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

Disagree with 1 & 2. Only 3 is relevant.

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

Not all residents may be able to afford a bond

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**



## Submitter Number: 170

**Full Name:** Karipa Tau-Wehi

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I am not a licence holder but I live at Upper Selwyn Huts

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

I accidentally ticked the single fixed term and it won't let me untick the box. I don't think any of these are fair or reasonable options. We should be allowed to stay longer, give us a renewable term. Refer to Clare Lenihan's letter and the association's submission for legal details

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

These are people's homes and people's lives. Most of the councillors won't be standing again, it doesn't seem very fair to rush this process and make decisions that will affect us for the rest of our lives when you won't be around to face the music

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

the first 2 options don't seem reasonable at all. road access being temporarily blocked is NOT a reason to erase an entire village!!

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

your own report states that it is too early to be discussing triggers

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

That we have put everything into our homes, we don't have anywhere else to go. We have used our life savings to settle here, this is home

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

I don't think it's right to make people pay a bond for the demolition of their own home. How much are they even expected to pay?

---

**Please add your comments:**

This just seems like a form of intimidation and another way to try to push people out by raising the cost

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

Yes

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Never, unless there was genuine reason to think something was unsafe

---

**Please add your comments:**

Seems like an invasion of privacy and more intimidation tactics

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

Some of the things on the list seem pretty vague and could be open to interpretation. I think that would make anyone nervous

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

As much support as can be given!!

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

I don't think the inspections should be carried out. It seems like bullying. noone should lose their home or get hit with fines

## Submitter Number: 171

**Full Name:** Cara Zdrenca

**Organisation:**

**Wish to speak to the submission:** Yes

---

**What is your connection or interest to Upper Selwyn Huts?**

I am not a licence holder but I live at Upper Selwyn Huts

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

My whānau's roots in Selwyn Huts go 6 generations deep. This isn't just where I live, 4 walls and a roof. This is where I grew up, where I got married, where my son was born, where he took his first steps and where I always believed I would grow old. When you say 30 years you see a number on a page, I see the year I'm supposed to retire. That should be my time to breathe, to finally rest in the home and community I've poured my life into. Instead, your decision will force me to demolish my home that I love and watch my community be destroyed. This place, our homes, memories and people should be celebrated as living history, not condemned by cold calculation and treated as disposable. You have the power to save this beautiful place that we all love so much. Please reconsider an option to renew the licence if it's still safe to live here in 30

years time. There is no legal block. Please refer to the Selwyn Hut Owners' Association's submission and Clare Lenihan's letter

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

I don't think 1 or 2 are reasonable at all. 3 is reasonable, but when there is no support and nowhere for us to go, our threshold will be high, as the alternative is homelessness

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

Not yet, as per the Jacob's report, it's too early to be talking about triggers so I'm unsure why this is being consulted on

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

Consider the fact that this is our home and our homes are everything

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

I don't agree with the finite term, therefore do not agree with the bond. It feels like all these every one of these topics is just another way to try to get rid of us. Even if we did have to go at some stage, I would rather hold my own money in a savings account that will generate interest. I'm a financially independent adult, I can manage my own money

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other

Only when Council receive a valid complaint

---

**Please add your comments:**

No other areas in the district are subject to targeted inspections. It's an invasion of our privacy and actually quite insulting and degrading. The trust is broken, you have put us through hell, so how are we supposed to have faith in this process?

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

I disagree with all of it, unless there is a specific concern that needs to be addressed

---



**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

All the support Council is able to offer. This should in no way lead to termination of a licence and people should be given adequate time to resolve any legitimate concerns

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

I don't think they should be carried out unless there was a specific concern. Council should work with the owners to help resolve any safety concerns found and not use it as a tool to evict people and terminate licences

## Submitter Number: 172

**Full Name:** Eden Warner

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I am a licence holder

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

A single fixed term of 30 years (no renewal)

[Please explain the reason for your selection:](#)

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

Remove the 'no renewal'

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive

to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

A lot if places are much more worse iff in the case of flooding, we know the river and as a community monitor any potential risks

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

No

Please add your comments

---

**Please add your comments:**

---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Only when there's a complaint or issue raised

Other

---

**Please add your comments:**

---

**Do you think the checklist covers the right things?**

Not sure

Please specify what you would change

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

## Submitter Number: 173

**Full Name:** Nikau Te Ngaru

**Organisation:**

**Wish to speak to the submission:** No

---

**What is your connection or interest to Upper Selwyn Huts?**

I am not a licence holder but I live at Upper Selwyn Huts

Other

---

**What is your interest in the area?**

---

Council is seeking feedback on three different options for how long future licences should last.

**Please select your preferred licence term from the options below.**

Please explain the reason for your selection:

---

**Do you have any other feedback on licence terms?**

Yes

---

**Please add your comments:**

My name is Nikau and i am 7 and my home is Selwyn Huts. Please don't take my home away. This is where I have always lived. My friends are here and my family. i want to stay here when i'm older

---

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental

events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We're asking for your feedback on three possible events where this could happen.

1. Flooding affecting access: Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period\*
2. Destruction of road cutting off vehicle access: A natural event that causes sufficient damage that vehicle access to the settlement is cut off\*
3. Serious harm caused by a flood event: Any flooding event that causes serious injury or fatalities within the settlement

\* Cut off vehicle access means where emergency services cannot reach the area.

**Are there any of the proposed events you disagree with?**

Yes

Please explain your reason:

if floods block the road they will go away so that doesn't make sense. and if the roads get damaged then you have to fix them

---

**Are there any additional events that you think should be considered?**

No

Please add your comments:

its safe here

---

**If one of these events were to happen, what would you want Council to consider when deciding what happens next?**

find us somewhere to go

---

Council is considering introducing a bond to contribute towards the remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

**Are there any situations where you think the bond requirement should not apply?**

Yes

Please add your comments

my mum and papa already are worrying about money. that doesnt seem fair to pay money to pull your own house down

---

**Please add your comments:**



---

**Do you have any other feedback or suggestions on the inclusion of a bond?**

No

---

Council is proposing to implement building condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. You can see a copy of the [Building Condition Inspection Checklist here](#). Please review the checklist and provide your feedback to the following questions.

**How often do you think building inspections should occur?**

Other  
never

---

**Please add your comments:**

i dont think this is fair

---

**Do you think the checklist covers the right things?**

No

Please specify what you would change

i dont know what some of these things mean. our houses are safe there is nothing wrong with them

---

**If issues are identified during the inspection, what kind of support or communication would you expect from Council? Support or communication**

i dont know

---

**Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?**

i dont know

## Submitter Number: 174

**Full Name:** Colin Giddens

**Organisation:**

**Wish to speak to the submission:** Yes

---

18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](http://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](http://selwyn.govt.nz/USH).

### Privacy statement

Submissions are part of the public consultation process and are a public record. Anonymous submissions will not be accepted. Submissions including names are published on our website and in official documents so please do not include any personal information in the content of your submission you would prefer to be kept private.

While contact details (address, phone number and email address) are provided to elected members along with your feedback to be considered when making their decisions, contact details will not be made publicly available on the Council's website or official documentation.

If someone requests a copy of submissions through the Local Government Official Information and Meetings Act 1987, name and contact details must be supplied. If you have good reason as to why your personal details and/or feedback should be kept confidential please contact [huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz) outlining your reasons.

*Boating - Boating - Fishing  
conservation  
supporting people.*

If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* *Robin*

Last name\* *Riddens*



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder *licence holder*  
☒ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

*Supporting the residents*  
☒ Other: *Stopping the council practicing  
savagery on the poor people.*

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## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

*Don't waste rate payers money. Listen to the rate payers, not Ngai Tahu interference - Mayor reference*

Do you have any other feedback?

- ☒ Yes ☐ No

Please add your comments:

*Required is answers to unresolved questions, before there any reason the mayor has the people of the Huts as part of his hate agenda*

*Mayor's master plan rate payers pay for the sewerage, but not the locals and then it will end up in the hand of Ngai Tahu*

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☒ Yes ☐ No

Please explain your reason:

*Council's lack of knowledge of the area*

Are there any additional events that you think should be considered?

- ☒ Yes ☐ No

Please add your comments:

*Invest in out falls  
clean the drainage system  
and stop choking the rivers  
over the whole district.*



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Definitely not  
just have to look at  
anything the council  
interfere with.

There are enough more than  
capable people, should really

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Bond is a blonde joke.

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Use money you waste  
on your bad management.

Strongly tell you to halt this  
process, until after the  
local body elections the  
community has no trust in the  
mayor or the council

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☐ Only when there's a complaint or issue raised

☒ Other

Please add your comments:

If required we now have  
private permitting & inspection  
services  
No building control

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Use your so called building  
control as record keeping  
service only.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

The main issues are not with  
buildings its the millions  
council wastes

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Stay out of it, no more lies  
Direct your KPIs - CEO

# Selwyn Council Submission Form

Return this form by:

Dropping it off with our Customer Service Teams at:

- Council Rolleston Offices, 2 Norman Kirk Drive, Rolleston
- ~~Tennyson Street~~ 56 Tennyson Street, Rolleston
- Darfield Library, 1 South Terrace, Darfield
- Leeston Library, 76A High Street, Leeston
- Lincoln Library, 22 Gerald Street, Lincoln

Posting it to:

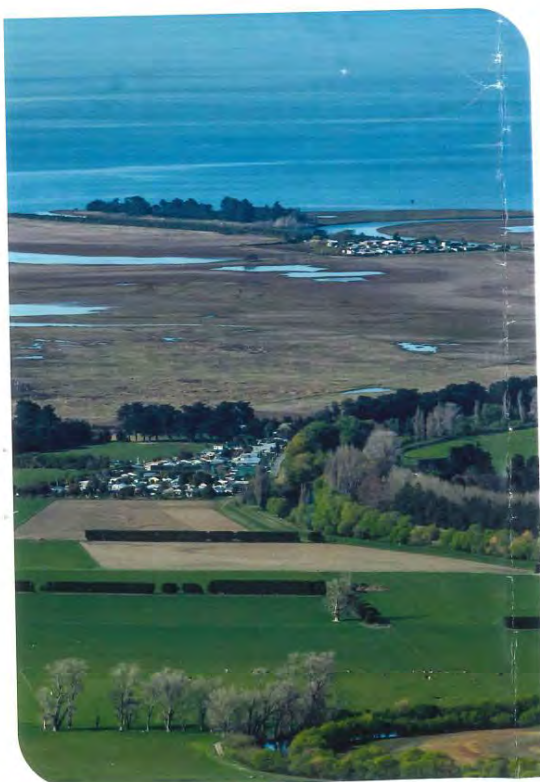
Freepost 104 653

PO Box 90

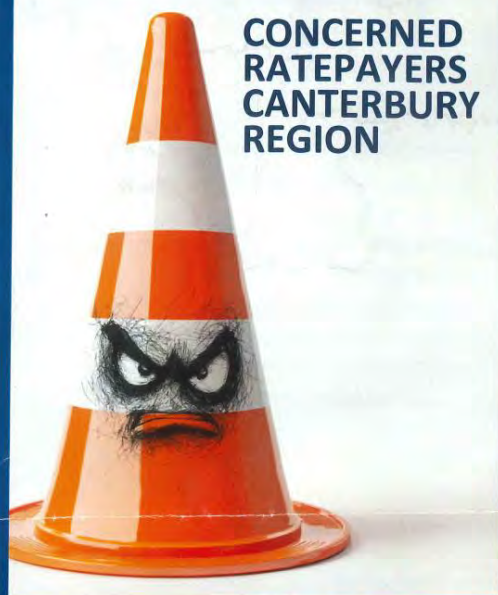
Rolleston 7643

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21 July 2025. Please allow time for your submission to be delivered  
by this deadline.







## CONCERNED RATEPAYERS CANTERBURY REGION

### WHAT HAS HAPPENED TO OUR AWESOME TOWNS AND CITIES?

*It looks like we have an infestation of road cones!*

Our city and suburbs are overrun with traffic cones and mismanaged vanity projects pushed by some councillors and staff who ignore the majority of ratepayers.

Our rates are set to increase each year with devastating effects if we don't get involved with our local government and put a stop to it.

**THIS AFFECTS EVERYONE: RETIREES, STUDENTS,  
HOMEOWNERS, FARMERS AND RENTERS.**





## THE ISSUES

- Rates increases year on year
- No **Chlorine or Fluoride** in our water
- Large project **budget blow-outs** and cost over-runs are common.
- We battle with continuous **road layout changes** with little or no benefit
- **Businesses are closing** down
- There is **irresponsible spending** and increasing borrowing.
- Councils **ignore problems** we want addressed.
- **Millions spent annually** on consultants.
- **Unelected, unaccountable officials** control the purse strings.
- The **Council's culture appears broken** and needs fixing!

www.concernedratepayers.nz

## WHAT YOU CAN DO

Complaining on social media won't change anything. It's time to engage with other local concerned ratepayers.

Identify your chosen issue/s.

Make an action plan. Apply pressure.

- Follow us on Facebook  
[www.facebook.com/concernedratepayerscantburyregion](https://www.facebook.com/concernedratepayerscantburyregion)
- Follow us on Telegram [t.me/+s1rgN7cpBfRIODRh](https://t.me/+s1rgN7cpBfRIODRh)
- Sign up at [www.concernedratepayers.nz](http://www.concernedratepayers.nz)
- Email [concernedratepayerscantburyregion@proton.me](mailto:concernedratepayerscantburyregion@proton.me)



## Submitter Number: 175

**Full Name:** Robby Hyde

**Organisation:**

**Wish to speak to the submission:** No

---

Over Counter 18/7

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

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### Submitter details

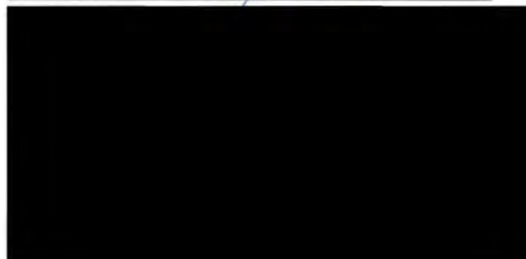
Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\*

Robby

Last name\*

Hyde



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ **Fixed term of 5 years**  
No renewal.
- ☐ **A single fixed term of 30 years**  
No renewal.
- ☐ **Rolling 10-year terms**  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I am not ticking  
any box.  
Please read my letter

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Comments in letter

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

All 3.  
Read my letter

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

Comments in my  
letter





If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Comments in my letter

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☒ No

Please add your comments:

Read my letter

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Read my letter

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

No inspections  
Read my letter

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Read my letter.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Comments in my letter

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Comments in my letter



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I moved to The Upper Selwyn Huts to be closer my family and enjoy the laid back lifestyle and community. I was never told that there was going to be a finite term put on our licences, and neither have any of the others who bought after me. This has been a big indiscretion on your part. You have given us no reasonable reasons to terminate our licences, all your reasons so far have been proved wrong, also you have given us no information on what you will be using this local purpose reserve, for the purpose of hut settlement, which includes the notion of community, for. It seems very unjustified to terminate our licences in a national housing crisis. Many of the residents are not in a financial position to go anywhere else and will not cope with the expense, distress and upheaval of all this. We all support one another here, which would not happen in a city. Why put in the new multi-million dollar sewerage system, expect us to pay for our part of it..with absolutely no information of costings, only to kick us out. **Have you not got a consience about the welfare of this community.**

Your consultation documents are quite ambiguous and seem to be designed to make us chose an option that is definitely not ideal, so I am not ticking any boxes. The SDC councillors need to be kept honstly and accurately informed of all details concerning our consultation process, before making any decisions, and as so many of them are not standing for re-election this year, is it it fair on us for them to be making decisions regarding our lives. This consultation needs to be held off until a new council is elected

As rate payers we deserve the dignity of being treated as such and need to be kept honestly informed of dealings concerning us.

#### **Question 1: Environmental Events for Early Lincence End**

##### **Licence term options**

I am NOT ticking any box

Our Barrister, Clare Lenihan states in her legal opinion, dated 20<sup>th</sup> June 2025 that:

Residents seek a licence term of 30 years with a right for renewal for further terms of 30 years subject to environmental triggers { specific triggers to agreed}

SDC has been sent a copy of this report so I don't feel I need to cover it all. All of you should have read it and not disregard it

The reasons SDC have given us for retreat are not justified for a non-renewable licence.

Independent evidence and reports do not support a non-renewable term.

The stop bank here prevents us from flooding. When the river bursts it banks further up, Days Rd sometimes becomes flooded, but is generally not impassable to utes or bigger vehicles. The residents here are well prepared for an event like this and can manage for a number of days. The Civil Defence team here keep everyone well informed as well.

Knowing what your plan for this reserve is, would be interesting as well. You have been asked and asked for a reason with no answers.

##### **Flooding affecting access**

Flooding, preventing access for 24 hours twice in a 12 month period, is not a reason to terminate licences.

Everyone here gets plenty of warning of an expected rain event and is well prepared.

Days Road is not used only by The Upper Selwyn Huts residents. You have got an obligation to keep access open for DOC, Ecan, Lower Selwyn Huts residents, farmers, fishermen, and many others who use this road.

##### **Serious harm caused by a flood event:**

This is still not a valid reason to terminate licences. Ways of mitigating these triggers should be

being investigated. The Jacobs report states that environmental triggers and thresholds require more scientific research and investigation.

If an independent body confirmed there was serious risk to homes and people from a major event, making the Upper Selwyn Huts settlement permanently uninhabitable, then an end date could be mutually agreed on.

Should someone be unlucky enough to suffer serious harm from an event, we have got a very capable civil defence team here, with first aid knowledge and emergency management skills so they would be able to make decisions regarding the injured person or persons, and would arrange help. We aren't experts on managed retreat, so why do you expect us to come up with issues that would require retreat. You could possibly use these issues against us.

**Question 3: Bond requirements:**

I disagree with paying a bond.

We are asking for a renewable licence so why would I pay a bond to remove my home.

Also what would it cover, how long for ?

I'll keep my money in my own bank and be responsible for myself.

**Question 4: Building Inspection Programme:**

Other box. None of the options are preferred.

Would you be employing an independent team of qualified people to do this? I do not agree at all if it's not. If so it should be an **external lot inspection only**.

**Do you think the checklist covers the right things**

Yes, providing it is only an external lot inspection, done by qualified inspectors.

**If issues were identified during inspections what kind of support or communication would you expect from the council?**

I would expect them not to use this against anyone or as an excuse to terminate a licence.

Mutually agreed and decent time frame to rectify issues.

Be upfront and honest with communication.

Give support, help and advice. Some people might require emotional and mental health support.

You, The Selwyn District Council, have got a lot to answer for with regard to this consultation along with a lot of other district wide issues.

## Submitter Number: 176

**Full Name:** Mark Tyler

**Organisation:**

**Wish to speak to the submission:** No

---

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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Mark

Last name\* Tyler

Are you submitting on behalf of an organisation?

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_



This problem of flooding is more of a problem in your newly developed Lincoln !!

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☒ A single fixed term of 30 years  
No renewal.

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

We have been advised by our barristers as to why. I need to know. I have a roof over my head. Or I will be homeless. It is my only asset.

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Please have empathy when you are making decisions on our future. Under the reserves act you can grant a license for 33 years Act Reserves 1977. Local purpose reserve for purpose of huts settlement. Take note. Duty of care not a reason to terminate license to occupy. Your reasons to remove us is a NZ wide problem. Lincoln floods in worse than us in new development.

### 2. Environmental events for early licence end

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Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

No 1 and No 2 All manageable. No 3 Has not happened in 100 years

Are there any additional events that you think should be considered?

☒ Yes ☐ No

Please add your comments:

Do what you do with all Selwyn district area. Until such an event happens if ever.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Do what you do for the rest of Selwyn District. Lincoln developments are worse than us.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Or I will pull down own hut  
When someone cannot afford a bond. It could be paid off. Once we get 33 years +

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

I can pull down own hut if need be after 33 plus years.

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☒ Other

ONLY External

Please add your comments:

Be considerate of cost. + timeframe to fix. Consider age of cottages. And age of occupant.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☒ Not sure

Please specify what you would change:

Only External. Can't answer as lot of distrust.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Plenty of notice and time to repair. Cost can be an issue. Distrust is an issue as well.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Distrust with this process. Your decision making so far has created this.



## Submitter Number: 177

**Full Name:** Chris Tyler

**Organisation:**

**Wish to speak to the submission:** No

---

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\*

Chris

Last name\*

Tuler

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

Relatives living here.

☐ Other:



## Questions

### 1. Licence term options

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☐ Fixed term of 5 years  
No renewal.

☒ A single fixed term of 30 years  
No renewal.

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

My reason is to see my relatives have a roof and asset until their dying days.

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

You have held these people at ransom far too long. When there are so many homeless you are treading on dangerous waters. You shld of had this sorted years ago.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

Treat these homes ~~that you~~ as you would the wider Selwyn district.

Are there any additional events that you think should be considered?

☒ Yes ☐ No

Please add your comments:

Treat as you do all flooding new developments in Lincoln





If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Do what you do  
for wider district  
Council. The  
flooding new  
developments

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☒ No

Please add your comments:

I will deal with  
this in my own time  
and when we have  
answers

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

Distrust - your  
CEO destroyed  
Westport is  
sue here to  
destroy us

### 4. Building condition inspection programme

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How often do you think condition inspections should occur?

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☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

So much distrust  
how can this be  
answered

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

Until we have an  
outcome, I can't  
answer this

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Within reasonable  
reason plus check  
the wider SDC

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Check wider  
SDC

## Submitter Number: 178

**Full Name:** Susanne Royds

**Organisation:**

**Wish to speak to the submission:** No

---

Email 19/07/2025

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Please include your first and last name on the additional paper.

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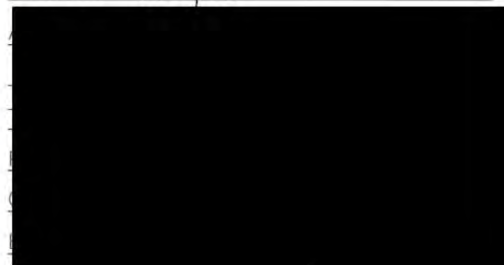
All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Susanne

Last name\* Royds



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_





## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ **Fixed term of 5 years**  
No renewal.
- ☐ **A single fixed term of 30 years**  
No renewal.
- ☐ **Rolling 10-year terms**  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I would like to see a  
30 year term, with right  
to renew for a further  
30 years - subject to  
environmental triggers.

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☐ Yes ☒ No

Please explain your reason:

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Are there any additional events that you think should be considered?

☐ Yes ☐ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

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### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

*I would like to know the average cost of a bond & over what period it would be paid  
why are Council now wanting a bond not previously required*

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

*I don't believe houses need any inspection, unless a complaint has been made.  
Why inspect houses at all?*

Do you think the checklist covers the right things?

☐ Yes ☐ No ☐ Not sure

Please specify what you would change:

*As the 'lot' is not owned but leased by Hut/House Owner, the Council should only be permitted to inspect the Lot.*

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

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Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

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## Submitter Number: 179

**Full Name:** Wendy Elizabeth Moreland

**Organisation:**

**Wish to speak to the submission:** Yes

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21/7 For Post

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH).

### Privacy statement

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Wendy Elizabeth

Last name\* MORELAND

Address\*

Town\*

Postcode\*

Contact\*

Email address\*

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☒ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts  
☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_

13/07/2025  
W-E Moreland



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

☒ Infinite Term.

Please explain the reason for your selection:

*I have not ticked any above boxes as these to not cover the full options as discussed at the SDC meeting on 20/05/2025. Needs to be open ended + renewable.*

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

*a 30 year definitely a finite term with the right of renewal.*

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

*These about events are not reason to terminate the license. We should be treated the same as all in the Selwyn District.*

Are there any additional events that you think should be considered?

☒ Yes ☐ No

Please add your comments:

*Days Road is not only used by hut residents. It is a public road which needs to be maintained by SDC like all other roads in the wider Selwyn district.*

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Keep civil defence well informed as to residents safety as all in the wider Selwyn district.

The USH have NEVER been flooded!

the settlement has an active neighborhood watch!

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

This has never been required in the past! Why now??

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

This is a feeble attempt at revenue gathering by the SDC. We already have added costs due to the pipelining. Therefore this is unfair!!

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

If there is a health + safety concern for the residents or general public this should be addressed.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

SDC is responsible for the land only not the dwellings!!

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

No need for further inspection as each household should be responsible for their premises. This needs to be

Do you have any other feedback about how to be inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

As you are the caretakers of the land you need to enforce this



## Submitter Number: 180

**Full Name:** Shodie Milne

**Organisation:**

**Wish to speak to the submission:** Yes

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21/7 Post

## Submission form

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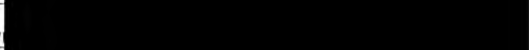
### Submitter details

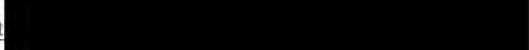
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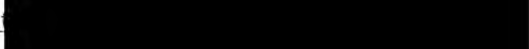
First name\* Shodie


Last name\* Milne

Address\* 

Town\* 

Postcode\* 

Contact number\* 

Email address\* 

Are you a resident of Upper Selwyn Huts?

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

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No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

*I don't agree with any term other than ongoing permanent residency*

Do you have any other feedback?

☐ Yes ☐ No

Please add your comments:

*I believe the occupants of the huts are able to make their own choices regarding their own and others safety*

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☒ No

Please explain your reason:

*many roads in NZ are blocked due to natural event multiple times in 1 year without evictions*

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

*continue Notification  
of future weather  
event are provided*

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### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

*I don't see any  
reason to pay a bond  
for their own belongings  
to another party*

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

*None unless there  
is a safety issue that  
is brought to the  
attention of the SDC*

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

*the list appears to  
be tailored for the  
unreasonable eviction  
of Selwyn Huts residents*

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

*A list of issues and  
Action needed and  
reasonable time given  
to address*

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

*Notice of inspection  
3 months prior to  
the inspection*

## Submitter Number: 181

**Full Name:** Craig Pauling

**Organisation:** Environment Canterbury Regional Council

**Wish to speak to the submission:** Yes

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21 July 2025

Selwyn District Council  
Freepost 104 653  
PO Box 90  
Rolleston 7643

[huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz)

Tēnā koutou,

**Canterbury Regional Council (Environment Canterbury) submission: Future  
Deed of Licence for Upper Selwyn Huts**

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Thank you for the opportunity to provide comment on the Future Deed of Licence for Upper Selwyn Huts consultation. Please find the Canterbury Regional Council (Environment Canterbury)'s submission attached.

Our submission is reflective of our responsibilities as a regional council around resilience to flooding and flood protection measures, as well as a Co-Governance partner for Te Waihora.

We look forward to more opportunities to engage on this in the future.

For all enquiries please contact:

AnaCapri Mauro  
Strategy Advisor – Climate Change and Community Resilience  
Email: [anacapri.mauro@ecan.govt.nz](mailto:anacapri.mauro@ecan.govt.nz)

Ngā mihi nā



**Craig Pauling**  
Chair, Environment Canterbury



## Canterbury Regional Council (Environment Canterbury) submission on Future Deed of Licence for Upper Selwyn Huts

1. Thank you for the opportunity to provide feedback on the Future Deed of Licence for Upper Selwyn Huts consultation document. As a Co-Governance partner of Te Waihora/Lake Ellesmere and the body responsible for providing flood resilience and protection measures, the telemetry network, and hazard science information, our work at the Canterbury Regional Council is closely linked to the outcome of this consultation.

### General Comments

2. We acknowledge the importance of providing certainty and clarity for the future as the goal of this consultation, and recognise the importance of this for Licence holders, Council, and the wider community. As we look toward a future with a higher risk of larger flooding events, more frequent flooding like we saw in April/May 2025, and rising sea levels further increasing inundation from Te Waihora, the need for community-centred adaptation planning grows. We cannot ignore the role climate change plays in hazard exposure at Upper Selwyn Huts, and other hut settlements, and the uncertainty that this generates.
3. In the wake of changing and developing central government direction on climate change adaptation and natural hazard management, we find the questions being posed in this document timely. However, there is still much uncertainty around the roles and responsibilities of district and regional councils in this space. We expect greater clarity on this from central government's upcoming Adaptation Framework and are further working towards supporting councils to have adaptation conversations with their communities as an action in the Canterbury Climate Partnership Plan, of which Selwyn District Council is a partner. Our submission reflects our understanding of adaptation best practice and our experience in flood resilience and protection measures.
4. The Canterbury Regional Council strives to be a strong Tiriti partner of excellence to Ngāi Tahu. However, we do not represent mana whenua. Any comments in this submission on Tiriti partnership matters, including Co-Governance of Te Waihora, represent the Council's view only. Neither local rūnanga nor Te Rūnanga o Ngāi Tahu were involved in the drafting of this submission. For this reason, we strongly recommend direct engagement with Tiriti partners in any decisions regarding adaptation and Te Waihora. It is unclear to what extent Selwyn District Council has engaged with local rūnanga on these issues.
5. The bulk of our feedback will be focused on the *Licence term options* and *Environmental events for early licence end* aspects of the document. We view these questions to be connected, especially when viewed through the lens of dynamic adaptive policy pathways and will discuss them as such.

### Local adaptation planning and license terms

6. The Canterbury Regional Council supports local decision making: the people affected by a decision should have a voice in what to do about it. We also support that those expected to pay for adaptation be given a voice in decision making. A community ecosystem is wider than just rate payers and voters (for example renters, migrants, and groups which have been marginalised by traditional politics), and we support a process and funding mechanism that enables all those who belong to a community to have a voice in adaptation decisions for that community. A highly top-down directive approach to adaptation planning, including managed relocation, undermines the relationship between central government, local government, mana whenua and communities as partners in our climate change response.
7. The Canterbury Regional Council supports risk-based decision-making and notes that how Selwyn District Council (SDC) used evidence and information to support their options has not been presented as part of this consultation. The consultation document outlines a basic adaptation approach, though with no discussion of what happens at the end of the 5-, 10-, or 30-year periods. We seek clarity on if the intent is to retreat from Upper Selwyn Huts, or if the intent is to retreat *and* relocate; how these term limits were decided; and what other adaptation options besides retreat have been considered based on the available evidence. This clarity will be crucial for us as providers of flood resilience measures, especially as we review the Waikirikiri/Selwyn River Control Scheme.
8. In order to avoid a top-down directive approach to adaptation, we recommend using Dynamic Adaptive Policy Pathways (DAPP) to help navigate the uncertainty of climate-driven hazards and involve the community in adaptation planning. Hurunui District Council is employing this approach for Amberley Beach, which identifies a preferred course of action to help guide future investment decisions and a set of signals and triggers to monitor and respond to change in a proactive, rather than reactive, manner. This flexible approach to adaptation policy can help everyone involved - including the impacted and wider community, councils, mana whenua, and other stakeholders - have clarity and certainty for any decisions that they need to make. This is particularly relevant for us for flood protection asset management decisions, as the signals and triggers used in this type of planning approach could feed back into the Canterbury Regional Council's scheme maintenance decisions. Considerations for licence terms and events that may prematurely end these terms could additionally be factored into an adaptive pathway, rather than as a direct mechanism for retreat.
9. We further wish to stress that any adaptation pathway must recognise not only the intrinsic link between people and our environment, but the inherent value of nature. All decisions in relation to community adaptation and relocation should consider environmental outcomes and need to avoid further degradation of the natural landscape. In the context of Te Waihora, we support the Co-Governance principle of



a thriving lake ecosystem (restoration of mauri) and recognise that the presence of significant infrastructure right on the edge of the lake will make this more difficult. Instances such as this, where there are potentially competing priorities between the natural and built environment, illustrate the need to ensure that any adaptation system is holistic, not exclusively focused on threat to life and infrastructure.

### **Risk-based decision-making**

10. Risk assessments are a key piece of evidence needed to inform when and where adaptation actions will be needed. They should include ground truthing with local experiences, assessment of risks to the natural environment, and mātauranga Māori to ensure that the evidence used for adaptation planning is as accurate as can be given the inherent uncertainty involved in the subject matter. We would expect that an up-to-date risk assessment is used to determine both the licence term options and the environmental events for early licence end, however we are unclear how SDC's risk assessments have fed into the 2039 deadline or the options for new licence terms.
11. As a part of a DAPP process, risk assessments could be reviewed over regular intervals (e.g., at 3-5 yearly intervals) to consider how the climate is changing in real time and express consequences for Upper Selwyn Huts. The assessed consequences, which could include risk to life, infrastructure, buildings, the natural environment and flood response personnel, can further feed into the signals (early warning) and triggers (decision points) of a dynamic adaptation plan.
12. While triggers are included as a part of this consultation, we wish to emphasise that signals are an important component to accompany decision points, as they provide a greater lead time for communities. We caution that a trigger such as the first environmental event proposed, regarding two flooding events affecting access in a twelve-month period, would potentially be setting the leases up to fail from the start. Without a signal to pre-empt the trigger it risks creating an abrupt and disruptive change for residents. Signals and triggers should be deeply rooted in the best available evidence.
13. The consultation document presents serious environmental events as triggers for ending licence terms early. We caution that if flooding makes the area unsafe to live in or too expensive to maintain, adaptation responses should be more proactive in nature than risking putting community members and emergency services at risk, as put forward in the consultation document. We agree that safety and maintenance costs should be a part of the decision of terminating a licence early and strongly suggest that this needs to be jointly defined with SDC and the community.
14. Relatedly, our understanding is that entry to and egress from Upper Selwyn Huts during flooding events is a primary concern. We agree with the consultation document that flooding impacting settlement access should be an important consideration and have interest in being involved in ongoing conversations

regarding how to factor this into adaptation planning, especially considering our role with Civil Defence Emergency Management (CDEM) and ensuring the safety of response operations.

15. Finally, the Waikirikiri River Control Scheme review has begun, which is a key tool for managing flood risk to properties and settlements on the flood plains of the Waikirikiri. The results of this will be able to further inform any risk-based decision-making that needs to happen at Upper Selwyn Huts and is critical to understanding practical options for the community, including what needs to be done, at what cost, and who pays, especially given the limited ratepayer base.
16. As works in the upper catchment can impact flood flows in the lower Selwyn, it is important to think holistically about the scheme and not disadvantage those targeted rate payers at the bottom of the catchment. A part of the scheme review will include asset condition assessments, which will represent a potential cost to the Canterbury Regional Council which could ultimately be passed on to the Selwyn community. We are keen to understand how any additional asset management costs will be shared and how this may vary based on the different license terms proposed. We have already worked with Selwyn District Council on a targeted district-wide rate to fund flood and river resilience work in the district, which has strong links to the result of this consultation.

#### **Bond requirements and building condition inspection programme**

17. We support the introduction of a bond to contribute toward remediation responsibilities at the end of the license term. We have concerns around potential contamination in soil, such as lead, asbestos, and arsenic, and the risks that they can pose to human and environmental health. We are also concerned that land can be contaminated if dwellings are demolished without proper oversight and risk mitigation action by a proper licenced professional.
18. This bond may be a good way to ensure that there is money that can be used for investigation and remediation at the end of a licence term. We wish to stress the potentially high costs of investigation and possible remediation and strongly suggest that the bond is sufficient to cover the associated costs, such that potential remediation is carried out in line with best practice and does not cause additional exposure to the land. We note that the potentially high costs associated with wastewater services and pipeline installation on top of a bond for remediation responsibilities may encroach on what residents are able to pay, based on their socio-economic status.
19. The building condition inspection programme is outside of the scope of responsibilities for the regional council.

## **Conclusion**

20. The Canterbury Regional Council recognises the complexity of the situation at Upper Selwyn Huts and the challenge of operating without strong national direction in a dynamic environment.
21. We would like to reiterate our support for applying the Dynamic Adaptive Policy Pathways approach to this work, in partnership with rūnanga, the community, and other stakeholders, to provide the desired certainty and clarity to the future of Upper Selwyn Huts. We encourage exploring the range of adaptation options including, but not limited to, retreat and relocation as a part of this pathway development.
22. We further emphasise the importance of taking a risk-based approach that balances mātauranga Māori, robust science, technical expertise, and local knowledge. Risks posed to our CDEM colleagues and other response operations in the event of a flood should also be seriously considered as a part of this approach.
23. Finally, we strongly value being a Co-Governance partner and stress that any decisions being made around Te Waihora maintain the principles of collaboration and sustainable management with all co-governance partners.
24. We look forward to collaborating with SDC as this adaptation work progresses.

## Submitter Number: 182

**Full Name:** Michael McLintock

**Organisation:**

**Wish to speak to the submission:** Yes

---



21/7 Post

## Submission form

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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Michael

Last name\* McIntosh

Address\* 

Town\* 

Postcode\* 

Contact details\* 

Email\* 

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☒ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I don't like any of your three options

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

We should be able to stay in our home's not have to have the worry of being homeless in any amount of time. There is many residents that have mental and health issues that will not find housing easily.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

I believe this is a public road with any of the following events, taken care of by Council, like anywhere else in NZ.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

public safety, in 35 years  
I have lived here, the  
water has never been close  
to affecting huts, and I  
believe we are no different  
to any other remote settle-  
ment regarding those matters

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

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Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

like every where else in  
Selwyn, N.Z, should I come and  
inspect your house every year?  
come on...

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

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If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

the up most...

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Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

they should not be carried  
out at all, unless deemed  
fire risk

## Submitter Number: 183

**Full Name:** Paul Clarke

**Organisation:**

**Wish to speak to the submission:** Yes

---

21/7 Post

## Submission form

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### Submitter details


*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*


First name\* PAUL


Last name\* CLARKE

Address\* 

Town\* 

Postcode\* 

Contact number\* 

Email address\* 

Are you submitting on behalf of an organisation?

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☒ A single fixed term of 30 years  
~~No renewal.~~
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

ALTHOUGH I ACCEPT IT MAY  
BECOME IMPOSSIBLE TO REMAIN  
@ USH, UNTIL SEA LEVELS  
REACH CRITICAL LEVELS I  
SEE NO REASON NOT TO RENEW.

Do you have any other feedback?

- ☒ Yes ☐ No

Please add your comments:

I UNDERSTAND THE COUNCIL  
HAS A DUTY OF CARE TO  
THE SAFETY OF RESIDENTS -  
HOWEVER IF THE LAND WAS  
SOLD OR TRANSFERRED TO RESIDENTS  
THAT DUTY OF CARE WOULD  
BECOME OURS. WE COULD  
THEN PAY RATES LIKE EVERYONE  
ELSE AND THE ROAD COULD  
BECOME PRIVATE MAINTAINED BY  
RESIDENTS IF NECESSARY.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☒ Yes ☐ No

Please explain your reason:

YES ① AND ②

Are there any additional events that you think should be considered?

- ☐ Yes ☒ No

Please add your comments:



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

IF OPTION 3 WERE TO  
HAPPEN WE WOULD WANT  
PROOF THAT OPTION 3 WAS  
THE CAUSE AND REASONABLE  
TIME TO CLEAR OUR SITE

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

UNTIL IT IS SEEN AS  
LIKELY THAT THE HUTS WILL  
NEED TO BE VACATED, I SEE  
NO REASON FOR A BOND.

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

I COUNCIL ENFORCES OUR  
REMOVAL THE COUNCIL SHOULD  
PAY FOR IT.

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

THIS COULD BE AN EXTERNAL  
ONLY INSPECTION, I DON'T  
NEED THE COUNCIL TO TELL  
ME HOW TO KEEP THE INSIDE  
HUTS.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

DON'T THINK WE NEED THE  
COUNCIL TELLING US IF OUR  
HUTS THAT HAVE BEEN THERE  
FOR A LONG TIME ARE SAFE.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

DON'T AGREE WITH COUNCIL  
HAVING ANYTHING TO DO WITH  
HUTS UNLESS IT POSES A HEALTH  
AND SAFETY ISSUE TO OTHERS.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

IF WE ARE GOING TO BE FORCED  
TO LEAVE I DON'T THINK THE  
COUNCIL SHOULD BE MAKING US  
SPEND MONEY ON FIXING OUR HOMES.

## Submitter Number: 184

**Full Name:** Catherine Dillimore

**Organisation:**

**Wish to speak to the submission:** Yes

---

← Please add a Staple

## Submission form

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Charles

Last name\* Dillimore

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal. no!
- ☒ A single fixed term of 30 years  
No renewal. no!
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years). no!

Please explain the reason for your selection:

Residents seek a licence term of 30 years with the right of renewal for further terms of 30 years subject to environmental triggers which have yet to be agreed upon.

The council is not bound by its 2019 resolution because of the HOLD Act 1924 and Reserves Act 1977

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

The council's role is to administer the local purpose reserve for hut settlement which includes the notion of community, preserving its historical value, social economic and cultural well-being

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

The Council is using the Jacobs Report the triggers and thresholds require more scientific investigation as well as a clear and concise rationale for the community

Are there any additional events that you think should be considered?

☒ Yes ☐ No

Please add your comments:

I hope the option to remove people or cancel their right to occupy apply to all locations and people within the Selwyn District and not just to the Upper Selwyn Huts.



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

It should be up to the Police or Civil Defence hierarchy to determine whether we need to be evacuated, not some vague notion held by the council. The current mayor should not blatantly lie to the media to state that the Upper Selwyn huts has been evacuated when it hasn't in the last 130 years.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Why is the bond required now. Shouldn't the cost of demolition be included in any home insurance policy?

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

How do we know what our current site looked like 130 years ago. Do we remove trees shrubs etc.

How do we get our money back if the hut is burnt down or removed by a tornado?

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Inspections should be external only. Will the Selwyn district council ask any other home owner / occupier to enter their homes for a look - no I don't think so. We want consistency.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

again, external inspections only. We hope they use the 1947 Building Act.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

helpful support and advice. A reasonable time frame to rectify any issues raised. The right of a support person - a tradesman etc.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

We would feel a advance warning of an inspection should be agreed upon and not a surprise visit with the sole means of looking to end our lease

## Submitter Number: 185

**Full Name:** Adelaide Edith White

**Organisation:**

**Wish to speak to the submission:** Yes

---



21/7 post

## Submission form

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First name\* AOELAI OE WEDIT H

Last name\* WHITE

Address

Tel

Post

City

Email

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

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No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

None

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Residents seek a licence term of 30 years with the rights of renewal for further terms of 30 years. Subject to environmental triggers (specific triggers to be agreed).

If this resulted in Confirmation from an INDEPENDENT BODY, without an agenda, that in the case the Upper Selwyn Huts is permanently uninhabitable and ONLY THEN a licence end date COULD BE DISCUSSED. REFER TO Claire Latham's legal opinion. 20.6.25.

10 | Upper Selwyn Huts | Consultation Document

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

Councils Jacob report. Identified Environmental Triggers & Thresholds REQUIRE more specific investigation & a CLEAR EXPLANATION & RATIONALE for the community is NEEDED.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

Reference to environmental events leading to an early licence end should ONLY be along the lines of a SIGNIFICANT EVENT! which causes serious damage to homes & people, OR a risk of a SIGNIFICANT event that CANNOT be mitigated!

CONT...

- Legal Obligations: Council's role is administrator of a local purpose reserve for the purpose of hut settlement which includes the notion of community. They have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purposes. Other legal obligations also include protecting its historic values; recognising the community's diversity; and promoting the social, economic and cultural well-being of its community, both now and into the future.

Licence Term: The Council is not bound by any finite licence term and can grant a licence for more than one term of 33 years under the ROLD Act 1924 or the Reserves Act 1977. They are also not bound by their 2019 resolution that hut licences are short term and ultimately finite.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Mitigation Options or Solutions SHOULD BE Explored before considering events that will trigger retreat. Specific Triggers listed are INAPPROPRIATE, VAGUE & Open To different interpretations. This gives the Council Power to Terminate Licences unnecessarily!

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

WHY NOW? Hasn't been required for 130 years!! Residents Cost are increasing why give us more costs!! we can't afford

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Bond details have not been included. How much? Paid over what period? What does Bond cover?

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☒ Other

Please add your comments:

none of the options are preferred. We would like to be treated like everyone else in Selwyn District. unless a complaint has been made

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Inspection should ONLY be of the lot.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

The SOC have repeatedly talked about a baseline inspection this should only happen ONCE!

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Support and advice from the Council would be helpful if there are any issues needing attention and a realistic time frame for repairs is ESSENTIAL.

## Submitter Number: 186

**Full Name:** Charles Dillimore

**Organisation:**

**Wish to speak to the submission:** Yes

---



← Please add a Staple

## Submission form

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Charles

Last name\* Dillimore

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal. no!
- ☒ A single fixed term of 30 years  
No renewal. no!
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years). no!

Please explain the reason for your selection:

Residents seek a licence term of 30 years with the right of renewal for further terms of 30 years subject to environmental triggers which have yet to be agreed upon.

The council is not bound by its 2019 resolution because of the HOLD Act 1924 and Reserves Act 1977

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

The council's role is to administer the local purpose reserve for hut settlement which includes the notion of community, preserving its historical value, social economic and cultural well-being

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

The Council is using the Jacobs Report the triggers and thresholds require more scientific investigation as well as a clear and concise rationale for the community

Are there any additional events that you think should be considered?

☒ Yes ☐ No

Please add your comments:

I hope the option to remove people or cancel their right to occupy apply to all locations and people within the Selwyn District and not just to the Upper Selwyn Huts.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

It should be up to the Police or Civil Defence hierarchy to determine whether we need to be evacuated, not some vague notion held by the council. The current mayor should not blatantly lie to the media to state that the Upper Selwyn huts has been evacuated when it hasn't in the last 130 years.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Why is the bond required now. Shouldn't the cost of demolition be included in any home insurance policy?

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

How do we know what our current site looked like 130 years ago. Do we remove trees shrubs etc.

How do we get our money back if the hut is burnt down or removed by a tornado?

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Inspections should be external only. Will the Selwyn district council ask any other home owner / occupier to enter their homes for a look - no I don't think so. We want consistency.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

again, external inspections only. We hope they use the 1947 Building Act.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

helpful support and advice. A reasonable time frame to rectify any issues raised. The right of a support person - a tradesman etc.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

We would feel a advance warning of an inspection should be agreed upon and not a surprise visit with the sole means of locking to end our lease

## Submitter Number: 187

**Full Name:** Peter Claydon

**Organisation:**

**Wish to speak to the submission:** No

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21/7 Post

## Submission form

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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* PETER

Last name\* CLAYDON

Address

Town

Postcode

County

Email

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☒ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Huts
- ☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

NONE OF 3 OPTIONS ARE ACCEPTABLE. ALL BEING NON RENEWABLE. RESIDENTS SEEK 30 YRS TERM WITH RIGHT OF RENEWAL. SUBJECT TO ENVIRO TRIGGERS RECOMMENDED BY BARRISTER CLARE LENIHAN 20.6.2025

Do you have any other feedback?

- ☐ Yes ☒ No

Please add your comments:

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☒ Yes ☐ No

Please explain your reason:

I DO NOT CONSIDER ACCESS BEING CUT OFF FOR 24 HOURS A VALID REASON TO WARRANT RETREAT

Are there any additional events that you think should be considered?

- ☒ Yes ☐ No

Please add your comments:

WE WOULD LIKE TO BE TREATED THE SAME AS IF ACCESS TO ANY OTHER AREA OF SELWYN IS CUT OFF

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

COLLABORATION WITH THE  
COMMUNITY AND EMPOWERMENT  
TO ALLOW US TO MAKE DECISIONS  
THAT AFFECT US, AS WE DID  
FOR 116 YEARS PRE 2011  
BEFORE COUNCIL TOOK OVER  
FROM THE COMMITTEE

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

WE ARE REQUESTING  
RENEWABLE LICENCE SO  
A BOND SHOULD NOT BE  
REQUIRED

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

ADDITIONAL COST TO RESIDENTS  
ARE INCREASING SIGNIFICANTLY  
USE MONEY FOR HOME  
IMPROVEMENT AND MAINTENANCE

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

PENDING A LEGAL OPINION ON  
THE COUNCIL'S DUTY OF CARE AND  
THE COUNCIL'S RIGHTS TO INSPECT,  
WE ARE UNSURE IF A SETTLEMENT  
INSPECTION IS LAWFUL

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

FAILING ANY ITEMS IN INSPECTION  
CHECKLIST SHOULD NOT LEAD TO  
HOUSE BEING RED STICKERED  
NOR LICENCE TERMINATION

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

MUTUALLY AGREED TIME TO  
REMEDiate WITHOUT  
PUNITIVE CONSEQUENCES

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:



## Submitter Number: 188

**Full Name:** Pamela Tyler

**Organisation:**

**Wish to speak to the submission:** Yes

---

## Submission form

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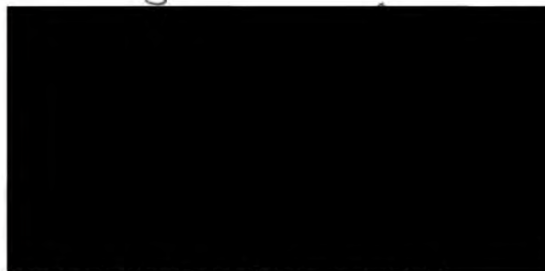
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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Ramela

Last name\* Tyler



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

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What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_



## Questions

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No renewal.
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No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Our Barrister has legally advised us/you/me why!  
Again - You can grant licence for more than 30yrs under Reserve's Act 1977. Local purpose Reserve for purpose of Hut Settlement. Been ignored still.

Do you have any other feedback?

- ☒ Yes ☐ No

Please add your comments:

Duty of Care is not a reason to terminate a Reserve licence to Occupy. From Climate Change, Sewer Systems S.D.C. legally must maintain. The lake isn't just about us, it applies to the wider District everyone. Evacuation: - I'm a Civil Defense member of 11yrs. I feel used as an example. When no need to have called Response Team only a heavy rain. Our Team was on alert with Response team yet they came out. No road closure. I believe Sue Jenkins left Emergency Management knowing the truth of what + how you are treating us. She had empathy & couldn't lie.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☒ Yes ☐ No

Please explain your reason:

I would have thought after recent flooding events in the district that were cut off ie Little River cut off this doesn't affect us.

We have a good Civil Defense team engaging!

Are there any additional events that you think should be considered?

- ☒ Yes ☐ No

Please add your comments:

Don't understand why you are making my life miserable + uncertain. Trying to find every excuse you can find on just me/us. I feel isolated + unstable because of these emotional threats.



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Like you to act on our behalf  
Same as you do anywhere  
else in the Selwyn District  
Sick of repeating over & over  
Have excellent Civil Defense  
Team also a lot of Community  
people engaging when these  
events happen!

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Until <sup>we</sup> know if we require  
a Bond I <sup>will</sup> answer question  
then.  
If it came to it, I will deal with  
my own properties to be  
clear if need be!

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Never been required why  
now??

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Please be considerate  
of Costs & timeframes  
to do the work if need  
be. External only.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

As have no idea with all these  
threats and manipulated tactics  
its impossible for me to know  
where I will go with this.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

I would expect to be  
treated just like everyone  
else in the district that pays  
Rates.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

you make decisions on me/  
firs. Hopefully you will  
be considerate with your  
goal setting procedures.



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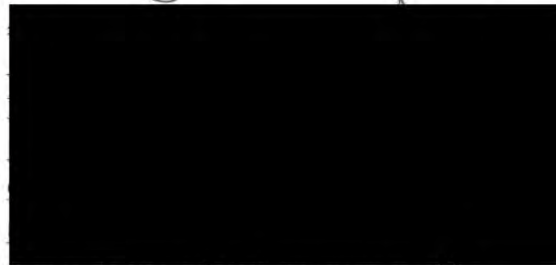
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First name\* Pamela

Last name\* Tyles



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*Can I have a support person read on my behalf?*  
If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_





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No renewal.
- ☒ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Our Barrister has legally advised you/us why. All been proven before you can grant licence for more than 30 years under Reserve's Act 1977, local purpose Reserve for purpose of Hut Settlement. Been ignored time after time.

Do you have any other feedback?

- ☒ Yes ☐ No

Please add your comments:

Duty of Care not a reason to terminate a reserve licence to occupy.  
Fear climate change not a problem.  
Sewer system S.D.C. legally must maintain.  
The lake not just about us townships + farms in area wider District.  
Evacuation - I'm on Civil Defence leading up to an safety you used us as an example no need to have come out at all. Road - Don't not closed again just surface like everyone else in district.  
Farmers also know this in area.  
I believe Sue Jenkins left Emergency Management knowing the truth. She had emptying.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☒ Yes ☐ No

Please explain your reason:

I would have thought after recent flooding events in areas that were cut off this doesn't affect us just us! We manage have a good Civil Defence team working with S.D.C.

Are there any additional events that you think should be considered?

- ☒ Yes ☐ No

Please add your comments:

Why are you picking on us - us only trying to justify what you are doing to us !!



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

I would like you to act of our behalf the same as you do anywhere else in the Selwyn District area.  
Again repeating time & time again we have an excellent Civil Defence Team as well as Community to engage if these events happen.  
More so than townships being a small community.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

We don't know if we will need a bond if so advise then answer your question

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Never been required why not?

### 4. Building condition inspection programme

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How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☒ Other

Please add your comments:

Just treat me with respect of costs + timeframes  
If work is required.  
External Only.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

As we're still have no idea what you will use on me/us in the treats manipulation you will put on us. So what would I trust you covered right things? us that is things

Please add your comments:

I would expect to be treated like everyone else in district.  
External inspection only

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

You make the decisions for me/us of late so hopefully you will be considerate to your goal setting procedures

## Submitter Number: 189

**Full Name:** Michael Pretorius

**Organisation:**

**Wish to speak to the submission:** No

---

21/7 Post

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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Please include your first and last name on the additional paper.

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All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* MICHAEL

Last name\* PRETORIUS

Address

Town

Postcode

Contact

Email

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☐ I am a licence holder

☒ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☒ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

continued occupancy with no  
expiry date until it is replaced  
makes it happen

Do you have any other feedback?

☐ Yes ☒ No

Please add your comments:

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

1 + 2

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

do what you do for all other  
home owners

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

We would pay you in advance  
as we need security  
No one else pays

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Why do we have to pay a bond  
- why do we have to leave

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☒ Other

Please add your comments:

You can't inspect other homes  
unless a complaint is made

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

everything is just signed over  
then a disaster

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

everything possible and time to  
put right

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 190

**Full Name:** Michael O'Neill

**Organisation:**

**Wish to speak to the submission:** No

---





## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Residents seek a licence term of 30 years with the right of renewal for a further term of 30 years with a renewal.

Do you have any other feedback?

- ☐ Yes ☒ No

Please add your comments:

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☒ Yes ☐ No

Please explain your reason:

As identified by the Council's own report environmental events need more investigation.

Are there any additional events that you think should be considered?

- ☐ Yes ☐ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Safety needs to be the main priorities for the residents.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Do you think the checklist covers the right things?

☐ Yes ☐ No ☐ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:



## Submitter Number: 191

**Full Name:** Averil Southward

**Organisation:**

**Wish to speak to the submission:** No

---



18/7 Counter  
Lesson.

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

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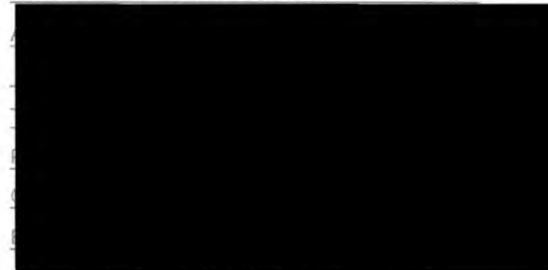
All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Averil

Last name\* Southward



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

Family & friends own homes as U.S.H.

☐ Other: \_\_\_\_\_

Upper Selwyn Huts | Consultation Document | 9

Signed: Southward 18/7/25

## Questions

### 1. Licence term options

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- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

- NONE OF THESE - MY CHOICE -
- ☒ A FIXED TERM OF 30 YEARS WITH  
THE RIGHT OF RENEWAL FOR FURTHER  
TERMS OF 30 YEARS SUBJECT TO  
ENVIRONMENTAL TRIGGERS (TRIGGERS  
TO BE AGREED).

Do you have any other feedback?

- ☒ Yes ☐ No

Please add your comments:

THE 'FUTURE DEED OF LICENCE' FOR  
U.S.H. AS PRESENTED BY THE S.D.C.  
IS AN ATTEMPT TO MISLEAD THE  
GENERAL PUBLIC & LEASEHOLDERS INTO  
BELIEVING THEY HAVE ONLY THE 3  
OPTIONS LISTED IN THE QUESTIONS.  
NOT SO - AS EXPLAINED IN MY  
SELECTION ABOVE.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☒ Yes ☐ No

Please explain your reason:

- \*1. ONE STANDARD FOR ONE COMMUNITY!  
DISCRIMINATION.
- \*2. DISCRIMINATION.
- \*3. DISCRIMINATION.

Are there any additional events that you think should be considered?

- ☐ Yes ☐ No

Please add your comments:

Signed: David Mearns  
18/7/25



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

THAT THEY BE TREATED AS ALL OTHER AREAS OF SDC IS/WILL BE TREATED.

ALL OF CANTERBURY IS A FLOOD PLAIN.

THE USA LEASEHOLDERS HAVE BEEN PERMITTED PERMANENT RESIDENCY SINCE 2010/11. THE SDC HAS SPENT \$\$\$ ON FACILITIES & ALLOWED BUILDING CONSENTS - LEADING HOMEOWNERS TO BELIEVE THEY COULD STAY FOREVER.

### 3. Bond requirements (TIME TO LET THEM BE)

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☒ No

Please add your comments:

THIS IS TOTAL DISCRIMINATION - ARE SDC NEXT GOING TO CHARGE THE FARMERS/HOME OWNERS ON EVERY RIVERBANK IN SELWYN A BOND FOR THEIR LEASEHOLD PROPERTIES?

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

SDC ARE ATTEMPTING TO MAKE A PRECEDENCE FOR THE U.S.H. THIS IS NOT ACCEPTABLE.

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☒ Every 3-5 years

☐ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Complaints/Issues should be treated as SDC do for any other area.

Do you think the checklist covers the right things?

☒ Yes ☐ No ☐ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Full communication & total transparency.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:



**Return this form by:**

Dropping it off with our Customer Service Teams at:

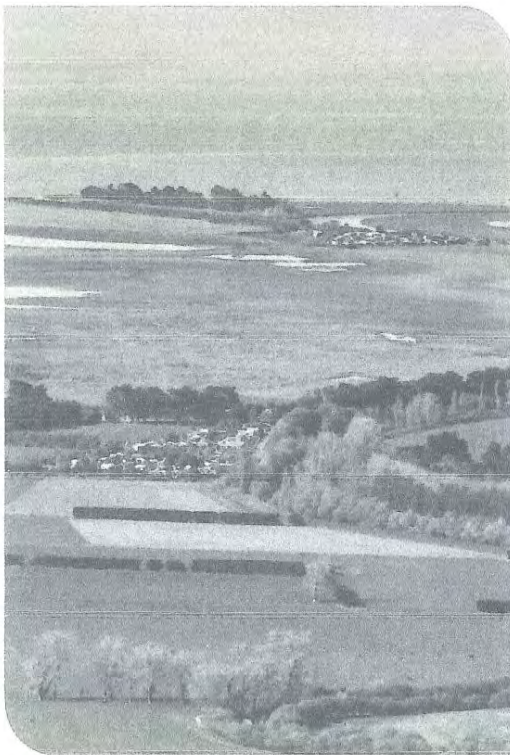
- Council Rolleston Offices, 2 Norman Kirk Drive, Rolleston
- Te Ara Ātea, 56 Tennyson Street, Rolleston
- Darfield Library, 1 South Terrace, Darfield
- **Leeston Library, 76A High Street, Leeston**
- Lincoln Library, 22 Gerald Street, Lincoln

18/7/25

Posting it to:  
Freepost 104 653  
PO Box 90  
Rolleston 7643

You can also scan and email your submission to **[huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz)**

All posted submissions must be received by Council by 5pm,  
21 July 2025. Please allow time for your submission to be delivered  
by this deadline.



## Submitter Number: 192

**Full Name:** Daniel Johnson

**Organisation:**

**Wish to speak to the submission:** No

---



Over counter 18/7

## Submission form

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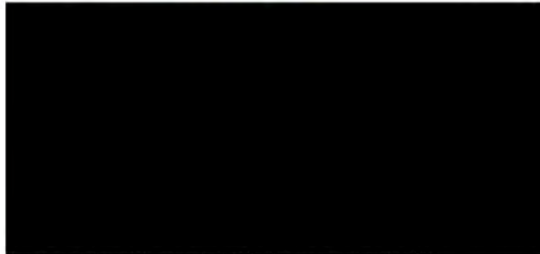
All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Naniel

Last name\* Johnson



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

Submitting on behalf of my  
to help my mother +  
other Upper Selwyn Huts residents  
with my 2 siblings

Upper Selwyn Huts Consultation Document | 9



## Questions

### 1. Licence term options

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- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I'm not ticking any box.

Please refer to Barrister  
Clare Lennihan's legal  
report. Also please  
read attached letter

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Please read attached letter

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

All 3 - reasons in  
attached letter

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

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### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☒ No

Please add your comments:

There should be no bond.  
Answer in letter attached

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Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Wipe it  
Revenue gathering

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

Comments in attached letter

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Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

This should be  
only for external lot  
inspection. -- If at all.  
Is this legal?

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Comments in letter

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Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

with dignity + respect

Comments in letter

---





Submission for Upper Selwyn Huts future Deed of Licence

Daniel Johnson  
[REDACTED]  
[REDACTED]

Lauren Fitzgerald  
[REDACTED]  
[REDACTED]

Anna O'Toole  
[REDACTED]  
[REDACTED]

Our mother, Kate Johnson, lives at [REDACTED] Upper Selwyn Huts. She has lived there for the last 6 years. She loves living there and has made a new life for herself there. She has become quite stressed and anxious since her battle with the Selwyn District Council over the new Deed of Licence. We all looked into the circumstances of the huts licence before she bought there, in 2020, to make sure she wasn't going to lose her money. We were quite satisfied with the conditions at the time. There was no indication that the licence terms were going to be made finite. On visiting her there, we have realised there are quite a number there, in the same position as her. people who have invested their hard earned money into something they thought was going to be sellable, only to find out now that you, the Selwyn District Council, want to take that all away from them all. How unfair is that on everyone? Our mum bought there, so she could be mortgage free and not have to worry about paying the huge rents that landlords are asking now. The threat of having to do this, along with the worry of having to demolish her home with no compensation, has contributed to her stress as well.

Mum is part of the Civil Defence team at the Huts and makes a huge effort for the community when there is an emergency. She has got her First Aid certificate and keeps that up by doing the refresher courses. As part of the Civil Defence, she is also quite involved in the Selwyn Gets Ready. In times of flooding events, which don't actually happen at the Huts, she is very involved with the team there, checking the river levels, checking on all the residents, keeping them all informed and helping with any vulnerable people and keeping in touch with the Emergency Operations teams in the rest of the Selwyn District.

Question 1

The residents at the Huts employed a barrister, Clare Lenihan, at their expense, to help fight for their cause. Her legal opinion, dated 20<sup>th</sup> June 2025, states that Residents seek a licence term of 30 years with a right of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed).

Mum said you, the SDC, have received a copy of this report so we are not going to cover everything in it. You must have all read it and cannot ignore it.

Your reasons to retreat the community have all been disproved. The sewerage problem has been solved by installing a new multi-million dollar scheme, the climate change reason has been disproved, and is not going to be an issue for many years. The community arranged for the local Lincoln fire brigade to come out and have a look around the settlement, when your next excuse was that the community would all burn down in the case of a fire. The fire officers assured them, that was no more likely to happen at the Huts than anywhere else.

Question 2

With regard to flooding:

Surely the community has been through enough of these events and get enough warning to be well

prepared. The flooding of Days Road would not be an issue for 2 days, usually larger vehicles can still get in and out of the settlement. This surely cannot be used as a reason for retreat. Mum says, if anyone should be injured in an event, there are a number on the Civil Defence team with First Aid certificates that can help, and if an injured person should need medical help the team would organise help to get the person out. So far, this has not happened, and cannot be used as a reason for retreat.

#### Question 3 Bond requirements

Why are you expecting the community to pay a bond to demolish their homes when they are asking for a renewable licence.

With their homes made valueless by your tactics and the unreasonable hike in rates, a bond is just an added cost.

#### Question 4 Inspections

We find this quite derogatory... how would the rest of the district feel about having an inspection of their homes and property... how would you feel???

If you were to implement inspections it should be lot inspections only and must be done by qualified inspectors. Is this even legal???

#### Checklist

The checklist should only be for external lot inspection done by qualified independent inspectors.

If any issues were to be found, we would expect the council to be open and agreeable to giving residents a reasonable time frame to remedy said issues. Be fair and honest and not use these issues to terminate licences.

#### Summary

We feel the Selwyn District Council is unjustifiably persecuting The Upper Selwyn Huts, looking for every avenue to get rid of them. You have given no factual reasons for wanting to retreat the community or what you are wanting the reserve for... you talk about being honest and open with the community, but we can see no proof of this. It seems that the whole council is in disarray, seeing how many present councillors are standing down before the next election, so therefore, we propose that your decision on the new Deed of Licence should be postponed until a new council is elected. We feel there should be some accountability for the decisions made.

All we want for Mum is for the Council to grant a renewable licence so she can continue living where she is happy and comfortable for many years to come.

## Submitter Number: 194

**Full Name:** Leigh Rossiter

**Organisation:**

**Wish to speak to the submission:** Yes

---

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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While contact details (address, phone number and email address) are provided to elected members along with your feedback to be considered when making their decisions, contact details will not be made publicly available on the Council's website or official documentation.

If someone requests a copy of submissions through the Local Government Official Information and Meetings Act 1987, name and contact details must be supplied. If you have good reason as to why your personal details and/or feedback should be kept confidential please contact [huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz) outlining your reasons.

### ATTACHMENTS

- \* PERSONAL LETTER (2 PAGES)
- \* PROJECT INFORMATION MEMORANDUM
- SBC LETTER HEAD (1 PAGE)

SORRY THIS IS HANDWRITTEN  
MY LAPTOP CRASHED

If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* LEIGH

Last name\* ROSSITER

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☒ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Huts
- ☐ I have an interest in this area. Please explain:

☐ Other:

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

NONE OF THE 3 OPTIONS ARE  
ACCEPTABLE, ALL BEING NON  
RENEWABLE TERMS OR FINITE TERMS

THIS IS A BIASED, INACCURATE AND  
MISLEADING CONSULTATION DOCUMENT

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

PLEASE REFER TO OUR BARRISTER  
CLARE LEINHAAS UPDATED OPINION  
DATED 20 JUNE 2025. YOU WILL  
FIND A FULL COPY ATTACHED TO:-  
OWNERS ASSOCIATION SUBMISSION  
"RESIDENTS SEEK A LICENCE TERM  
OF 30 YEARS WITH THE RIGHTS OF  
RENEWAL FOR FURTHER TERMS OF  
30 YEARS SUBJECT TO ENVIRONMENTAL  
TRIGGERS (SPECIFIC TRIGGERS TO BE AGREED)"

ALSO PLEASE SEE MY LETTER (2 PAGES)  
ATTACHED REGARDS OUR SIGNED  
CONTRACT WITH SDC WITH REGARDS  
TO WHEN WE BUILT

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

1/CUT OFF FOR 24HRS IS NOT A VALID REASON  
TO WARRANT RETREAT. IN 2017 WHEN  
WE HAD OVERSPILL, RIVER AT 700 CMMS  
THE ARMY COULD GET IN IN UNIMOG'S

Are there any additional events that you think should be considered?

☒ Yes ☐ No

Please add your comments:

2/USA ARE NOT THE ONLY USERS OF  
THIS ROAD IT IS A MAIN ACCESS TO THE  
LAKE- USERS INCLUDE USA, LSA, DOC,  
ECAN, THE FARM HOUSE. YOU SDC HAVE  
A RESPONSIBILITY OF MAINTAINING THIS ROAD  
3/CLUTCHING AT STRAWS

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

SAME THING WE HAVE BEEN ASKING FOR,  
COMMUNITY LED DECISION MAKING ON  
ANYTHING THAT AFFECTS US, INCLUDING  
COLLABORATION WITH AND EMPOWERMENT  
OF OUR COMMUNITY, AS WE DID FOR  
116 YEARS PRE 2011 BEFORE THE  
COUNCIL TOOK OVER FROM THE COMMITTEE

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

THIS IS ONCE MORE A TYPE OF MONEY GRAB  
IT HAS NOT BEEN A REQUIREMENT FOR  
THE LAST 130 YRS WHY NOW? AND NO  
BOND DETAILS GIVEN IE: HOW MUCH, OVER  
HOW LONG AND WHAT DOES IT COVER

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

SEE ABOVE

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

NONE OF THE OPTIONS ARE "PREFERRED"  
PLEASE TREAT US THE SAME AS  
EVERYONE ELSE IN THE DISTRICT

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

SHOULD NOT HAPPEN  
IS THIS GOING TO BE ANOTHER "MONEY  
GRAB" AND PUT MORE FINANCIAL  
STRAIN ON US?

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

SHOULD NOT HAPPEN

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

SHOULD NOT HAPPEN  
THIS SHOULD NOT BE A REASON  
TO TERMINATE A LICENCE



TO SELWYN DISTRICT COUNCIL

I DON'T KNOW YOU, YOUR FAMILY OR WHERE YOU LIVE  
BUT I DO KNOW WHERE YOU WORK  
YOU DON'T KNOW ME MY FAMILY OR WHERE I WORK  
BUT YOU DO KNOW WHERE I LIVE

MY HOME IS PERMANENT YOUR JOB IS TEMPORARY WITH THE  
MAJORITY OF YOU RESIGNING HOW IS IT YOU STILL HAVE THE  
POWER TO VOTE, ESPECIALLY A COUPLE OF OUT GOING COUNCILLORS  
WHO ARE WIDELY KNOWN TO HAVE AN UNHEALTHY HATE TOWARDS  
US (USH) AND HAVE BEEN PUBLICLY HEARD CALLING US "FERAL"  
AND SAYING "THEY HAVE TO GO".

AND BE HONEST WHAT IS THE REAL REASON/MOTIVE BEHIND THIS  
WANTING TO SHUT A WHOLE COMMUNITY DOWN AND IF YOU'RE  
NOT 100% SURE OF THE REASON THEN HOW ON EARTH CAN YOU VOTE  
ON THIS (AND IF YOU DO KNOW CAN YOU PLEASE LET US KNOW)

SDC YOU SHOULD BE PROUD HAVING A 130 YEAR OLD ESTABLISHED  
SETTLEMENT IN THE DISTRICT. A VILLAGE THAT IS AN ICONIC PART  
OF SELWYN / CANTERBURY AND NEW ZEALAND'S HISTORY THAT STILL  
HAS ONGOING TRADITIONS LIKE THE YEARLY GALA DATING BACK TO 1912,  
OWNERS FAMILY CONNECTIONS TO USH FOR THE PAST 103 YEARS.

WE ARE AN ASSET TO THE SELWYN COUNCIL AS A HISTORIC AND  
CULTURAL AREA THAT DESERVES TO BE PRESERVED.

YET YOU SDC UNDERHANDEDLY SABOTAGED OUR APPLICATION TO  
HERITAGE NZ FOR THE SETTLEMENT TO BE RECOGNISED ON THE HERITAGE  
LIST (2019)

OUR COMMUNITY IS INCREDIBLY UNIQUE, SPECIAL AND VITAL TO THE  
SOCIAL HEALTH OF THE REGION

17 YEARS AGO (2008) MY HUSBAND AND I ENTERED INTO A SIGNED  
CONTRACT WITH SELWYN DISTRICT COUNCIL

"DEMOLITION OF DWELLING AND NEW DOMESTIC DWELLING"

COPY ATTACHED

INTENDED LIFE "INDEFINITE, BUT NOT LESS THAN 50 YEARS"

(LEIGH ROSSITER [REDACTED])

AFTER LIVING AT THE HUTS FOR 5 YEARS AND DECIDING THIS WAS OUR FOREVER PLACE WE CHOSE TO INVEST AND BUILD CONFIDENT OF THE LONGEVITY AT THE HUTS.

WE BUILT HERE FOR A NUMBER OF REASONS, MY HUSBANDS FAMILY CONNECTIONS FOR THE LAST 53 YEARS, THE WARM AND FRIENDLY ESTABLISHED COMMUNITY VIBE, A LIFESTYLE WITH FISHING, HUNTING AND BOATING ON OUR DOORSTEP AND NOT LIVING IN THE RAT RACE OF TOWN.

THIS HAS BEEN A HARD EMOTIONAL AND EXPENSIVE FIGHT FOR A NUMBER OF YEARS FOR US TO STAY IN OUR WARM COSY FOREVER HOME WITH NO RATIONAL REASON AS TO WHY YOU ARE TRYING TO PUT US OUT ON THE STREET WITH NO ASSET TO SELL AND NO COMPENSATION.

YOU ARE EXPECTING MY HUSBAND AND I IN OUR 60'S TO START AGAIN, AFTER HAVING WORKED HARD ESTABLISHING OUR ROOTS AND GETTING OURSELVES INTO A POSITION TO GO INTO A COMFORTABLE RETIREMENT.

BUT BY MY RECKONING WE STILL HAVE AT LEAST ANOTHER 33 YEARS TO GO ON OUR CONTRACT WITH SDC.

WE HAVE NOT PURSUED THIS AT PRESENT AS WE ARE PART OF THIS COMMUNITIE AND WORKING ON THE FIGHT WITH YOU (SDC), AS A TEAM

#### INTERESTING TIMELINE FACTS OF USH

- 1888 - WM SPACKMAN BUILT A FISHING BOX
- 1891 - REPORTS OF HUTS AND MEDDING LODGE BEING ERECTED
- 1892 - WM SPACKMAN PUBLISHED FIRST BOOK ON TROUT FISHING IN NZ
- 1895 - AREA SURVEYED AND GAZETTED AS RESERVE 3048
- 1900 - FIRST IDENTIFIED IMAGE OF A UPPER SELWYN HUT
- 1912 - FIRST GALA DAY
- 1918 - AUTOMOBILE ASS (AA) HAD A MONSTER PICNIC AT THE HUTS FOR INFLUENZA WORKERS 600 ATTENDED
- 1924 - LIST OF HUT LICENSEES RECORDED 95 HUT OWNERS
- 1927 - DUKE OF YORK FISHED ON THE SELWYN RIVER
- 1927 - SEPTIC TANK INSTALLED (SEWERAGE SYSTEM) WE HAD FLUSHING TOILETS BEFORE LEESTON
- 1940'S - SETTLEMENT INCLUDES A SHOP AND TEAROOMS
- 1950-1970 - TELEGRAPH OFFICE IN SETTLEMENT
- 2015 - SURVEYED AS SECTION 1 AND SECTION 2 SET ASIDE "FOR THE PURPOSE OF A HUT SETTLEMENT"

REGARDS LEIGH ROSSITER



2 NORMAN KIRK DRIVE  
PO BOX 90, ROLLESTON 7643  
PH: (03) 347 2800 FAX: (03) 347 2799

REF No .....

## Project Information Memorandum

**080650P**

Section 34, Building Act 2004

### Application

Owner: C R ROSSITER	No.	080650P
C R ROSSITER	Issue date	30/05/08
	Formally Received Date	12/05/08

### Project

Description	New (& prebuilt) House, Unit, Bach, Crib, Town House etc. Being Stage 1 of an intended 1 Stages DEMOLITION OF DWELLING AND NEW DOMESTIC DWELLING
Intended Life	Indefinite, but not less than 50 years
Intended Use	Demolition of Existing Dwelling and New Two Storey 3 Bedroom Domestic Dwelling - 126m <sup>2</sup>
Estimated Value	\$80,000
Location	UPPER SELWYN HUTS
Legal Description	
Valuation No.	

Building work can proceed following formal notification of Building Consent Approval being received from the Selwyn District Council Building Consent Authority and approvals being obtained from the agencies identified in this project information memorandum.

**This Project Information Memorandum does NOT constitute a Building Consent.**

Signed for and on behalf of the Council:

Name: [Signature] Date: 3/6/08

SERVICE CENTRES:  
LEESTON  
HIGH STREET, LEESTON  
PH: (03) 347-2820

DARFIELD  
SOUTH TERRACE, DARFIELD  
PH: (03) 318-8338

LINCOLN  
GERALD STREET, LINCOLN  
PH: (03) 347-2875

## Submitter Number: 195

**Full Name:** Lauren Fitzgerald

**Organisation:**

**Wish to speak to the submission:** No

---



## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

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Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Lauren  
Last name\* Fitzgerald

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

my mother lives here. I am  
☐ Other: submitting with my 2 siblings

Upper Selwyn Huts | Consultation Document | 9



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Not ticking any box - All are unacceptable.

Please read attached letter

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Please read attached letter

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

All 3. Reasons explained in attached letter.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:





If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Comments in  
attached letter

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

NO BOND AT ALL  
Comments in attached  
letter

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Please read letter

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

In my opinion No inspections  
if so only LOT  
EXTERNAL INSPECTIONS  
Please read letter

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

there should only be  
external lot inspections  
if any inspections are even  
legal. - Read letter

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Comments in attached  
letter

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Comments in letter

Submission for Upper Selwyn Huts future Deed of Licence

Daniel Johnson  
[REDACTED]  
[REDACTED]

Lauren Fitzgerald  
[REDACTED]  
[REDACTED]

Anna O'Toole  
[REDACTED]  
[REDACTED]

Our mother, Kate Johnson, lives at [REDACTED] Upper Selwyn Huts. She has lived there for the last 6 years. She loves living there and has made a new life for herself there. She has become quite stressed and anxious since her battle with the Selwyn District Council over the new Deed of Licence. We all looked into the circumstances of the huts licence before she bought there, in 2020, to make sure she wasn't going to lose her money. We were quite satisfied with the conditions at the time. There was no indication that the licence terms were going to be made finite. On visiting her there, we have realised there are quite a number there, in the same position as her. People who have invested their hard earned money into something they thought was going to be sellable, only to find out now that you, the Selwyn District Council, want to take that all away from them all. How unfair is that on everyone? Our mum bought there, so she could be mortgage free and not have to worry about paying the huge rents that landlords are asking now. The threat of having to do this, along with the worry of having to demolish her home with no compensation, has contributed to her stress as well.

Mum is part of the Civil Defence team at the Huts and makes a huge effort for the community when there is an emergency. She has got her First Aid certificate and keeps that up by doing the refresher courses. As part of the Civil Defence, she is also quite involved in the Selwyn Gets Ready. In times of flooding events, which don't actually happen at the Huts, she is very involved with the team there, checking the river levels, checking on all the residents, keeping them all informed and helping with any vulnerable people and keeping in touch with the Emergency Operations teams in the rest of the Selwyn District.

Question 1

The residents at the Huts employed a barrister, Clare Lenihan, at their expense, to help fight for their cause. Her legal opinion, dated 20<sup>th</sup> June 2025, states that Residents seek a licence term of 30 years with a right of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed).

Mum said you, the SDC, have received a copy of this report so we are not going to cover everything in it. You must have all read it and cannot ignore it.

Your reasons to retreat the community have all been disproved. The sewerage problem has been solved by installing a new multi-million dollar scheme, the climate change reason has been disproved, and is not going to be an issue for many years. The community arranged for the local Lincoln fire brigade to come out and have a look around the settlement, when your next excuse was that the community would all burn down in the case of a fire. The fire officers assured them, that was no more likely to happen at the Huts than anywhere else.

Question 2

With regard to flooding:

Surely the community has been through enough of these events and get enough warning to be well

prepared. The flooding of Days Road would not be an issue for 2 days, usually larger vehicles can still get in and out of the settlement. This surely cannot be used as a reason for retreat. Mum says, if anyone should be injured in an event, there are a number on the Civil Defence team with First Aid certificates that can help, and if an injured person should need medical help the team would organise help to get the person out. So far, this has not happened, and cannot be used as a reason for retreat.

#### Question 3 Bond requirements

Why are you expecting the community to pay a bond to demolish their homes when they are asking for a renewable licence.

With their homes made valueless by your tactics and the unreasonable hike in rates, a bond is just an added cost.

#### Question 4 Inspections

We find this quite derogatory... how would the rest of the district feel about having an inspection of their homes and property... how would you feel???

If you were to implement inspections it should be lot inspections only and must be done by qualified inspectors. Is this even legal???

#### Checklist

The checklist should only be for external lot inspection done by qualified independent inspectors.

If any issues were to be found, we would expect the council to be open and agreeable to giving residents a reasonable time frame to remedy said issues. Be fair and honest and not use these issues to terminate licences.

#### Summary

We feel the Selwyn District Council is unjustifiably persecuting The Upper Selwyn Huts, looking for every avenue to get rid of them. You have given no factual reasons for wanting to retreat the community or what you are wanting the reserve for... you talk about being honest and open with the community, but we can see no proof of this. It seems that the whole council is in disarray, seeing how many present councillors are standing down before the next election, so therefore, we propose that your decision on the new Deed of Licence should be postponed until a new council is elected. We feel there should be some accountability for the decisions made.

All we want for Mum is for the Council to grant a renewable licence so she can continue living where she is happy and comfortable for many years to come.

## Submitter Number: 196

**Full Name:** Anna O'Toole

**Organisation:**

**Wish to speak to the submission:** No

---



## Submission form

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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Anna

Last name\* O'Toole

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. *Please explain:*

Submitting with my 2 siblings  
to help my mother's fight  
as she lives here.

Upper Selwyn Huts | Consultation Document | 9



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

I'm not ticking any box.  
Please read attached letter

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Please read attached letter

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

All 3. - Reasons are explained in our letter.

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

Comments in letter  
You will probably use any ideas against the community





If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Comments in our letter

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

There should NOT BE A BOND

Comments in letter

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

Comments in letter

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

No inspections - Treat people fairly

Please read letter.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

If there are to be inspections they should only be for external lot inspections.  
Please read letter.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Comments in letter.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

fairly, with dignity by qualified inspectors only



Submission for Upper Selwyn Huts future Deed of Licence

Daniel Johnson  
[REDACTED]  
[REDACTED]

Lauren Fitzgerald  
[REDACTED]  
[REDACTED]

Anna O'Toole  
[REDACTED]  
[REDACTED]

Our mother, Kate Johnson, lives at [REDACTED] Upper Selwyn Huts. She has lived there for the last 6 years. She loves living there and has made a new life for herself there. She has become quite stressed and anxious since her battle with the Selwyn District Council over the new Deed of Licence. We all looked into the circumstances of the huts licence before she bought there, in 2020, to make sure she wasn't going to lose her money. We were quite satisfied with the conditions at the time. There was no indication that the licence terms were going to be made finite. On visiting her there, we have realised there are quite a number there, in the same position as her. people who have invested their hard earned money into something they thought was going to be sellable, only to find out now that you, the Selwyn District Council, want to take that all away from them all. How unfair is that on everyone? Our mum bought there, so she could be mortgage free and not have to worry about paying the huge rents that landlords are asking now. The threat of having to do this, along with the worry of having to demolish her home with no compensation, has contributed to her stress as well.

Mum is part of the Civil Defence team at the Huts and makes a huge effort for the community when there is an emergency. She has got her First Aid certificate and keeps that up by doing the refresher courses. As part of the Civil Defence, she is also quite involved in the Selwyn Gets Ready. In times of flooding events, which don't actually happen at the Huts, she is very involved with the team there, checking the river levels, checking on all the residents, keeping them all informed and helping with any vulnerable people and keeping in touch with the Emergency Operations teams in the rest of the Selwyn District.

Question 1

The residents at the Huts employed a barrister, Clare Lenihan, at their expense, to help fight for their cause. Her legal opinion, dated 20<sup>th</sup> June 2025, states that Residents seek a licence term of 30 years with a right of renewal for further terms of 30 years subject to environmental triggers (specific triggers to be agreed).

Mum said you, the SDC, have received a copy of this report so we are not going to cover everything in it. You must have all read it and cannot ignore it.

Your reasons to retreat the community have all been disproved. The sewerage problem has been solved by installing a new multi-million dollar scheme, the climate change reason has been disproved, and is not going to be an issue for many years. The community arranged for the local Lincoln fire brigade to come out and have a look around the settlement, when your next excuse was that the community would all burn down in the case of a fire. The fire officers assured them, that was no more likely to happen at the Huts than anywhere else.

Question 2

With regard to flooding:

Surely the community has been through enough of these events and get enough warning to be well

prepared. The flooding of Days Road would not be an issue for 2 days, usually larger vehicles can still get in and out of the settlement. This surely cannot be used as a reason for retreat. Mum says, if anyone should be injured in an event, there are a number on the Civil Defence team with First Aid certificates that can help, and if an injured person should need medical help the team would organise help to get the person out. So far, this has not happened, and cannot be used as a reason for retreat.

#### Question 3 Bond requirements

Why are you expecting the community to pay a bond to demolish their homes when they are asking for a renewable licence.

With their homes made valueless by your tactics and the unreasonable hike in rates, a bond is just an added cost.

#### Question 4 Inspections

We find this quite derogatory... how would the rest of the district feel about having an inspection of their homes and property... how would you feel???

If you were to implement inspections it should be lot inspections only and must be done by qualified inspectors. Is this even legal???

#### Checklist

The checklist should only be for external lot inspection done by qualified independent inspectors.

If any issues were to be found, we would expect the council to be open and agreeable to giving residents a reasonable time frame to remedy said issues. Be fair and honest and not use these issues to terminate licences.

#### Summary

We feel the Selwyn District Council is unjustifiably persecuting The Upper Selwyn Huts, looking for every avenue to get rid of them. You have given no factual reasons for wanting to retreat the community or what you are wanting the reserve for... you talk about being honest and open with the community, but we can see no proof of this. It seems that the whole council is in disarray, seeing how many present councillors are standing down before the next election, so therefore, we propose that your decision on the new Deed of Licence should be postponed until a new council is elected. We feel there should be some accountability for the decisions made.

All we want for Mum is for the Council to grant a renewable licence so she can continue living where she is happy and comfortable for many years to come.

## Submitter Number: 197

**Full Name:** Puamiria Parata-Goodall

**Organisation:** Taumutu Rūnanga Limited

**Wish to speak to the submission:** No

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**Taumutu  
Rūnanga Limited**

Taumutu Rūnanga Limited  
75 Main South Road, Riccarton  
Christchurch, 8042  
**Waea:** 03 371 2660  
**Imera:** taumutu@ngaitahu.iwi.nz

21<sup>th</sup> July 2025

To: Denise Kidd, Executive Director – Community Services and Facilities  
Selwyn District Council

Tēnā koe Denise,

**Submission on Upper Selwyn Huts Licence Terms and Conditions**

Taumutu Rūnanga Limited welcomes the opportunity to submit on the Upper Selwyn Huts licence review. We do so in our capacity as the mandated entity of Ngāi Te Ruahikihiki ki Taumutu, with enduring responsibilities as kaitiaki of Te Waihora and its surrounding landscape.

This submission builds on our prior input to the Department of Conservation's review of Lower Selwyn Huts and our work alongside Te Rūnanga o Ngāi Tahu on managed retreat at Greenpark Sands. While each case presents unique considerations, the principle remains consistent; licensing decisions must consider the shared environmental realities faced at Te Waihora and reflect the collective responsibility to restore and protect the lake for current and future generations.

**Te Waihora: A Living Taonga under Pressure**

Te Waihora is more than a lake, it is a cultural and ecological taonga, Te Kete Ika o Rākaihautū. The Joint Management Plan (2005) affirms a shared Crown-iwi vision to:

"Rejuvenate the mauri and life-supporting capacity of Te Waihora... managed in an integrated manner for mahinga kai, conservation and other purposes."

Generations of drainage, artificial openings, and intensified land use have degraded water quality, collapsed wetland margins, and undermined mahinga kai. These impacts are well-documented and evidenced in hazard mapping, ecological reports, and cultural health assessments, all pointing to the urgent need for hydrological repair.

Ngāi Te Ruahikihiki ki Taumutu has publicly stated its aspiration to restore a healthier standing level for Te Waihora. We see this as essential to achieving ecological recovery, protecting cultural relationships with the lake, and improving climate resilience.

However, the appropriate future lake level must be determined through a robust, co-governed process. We are currently initiating a research programme with partners to guide this work, grounded in science, mātauranga, operational data, and engagement.

We encourage Council to take a precautionary, risk-based approach that does not pre-empt this process or commit to outcomes which may later prove incompatible.



## Taumutu Rūnanga Limited

Taumutu Rūnanga Limited  
75 Main South Road, Riccarton  
Christchurch, 8042  
Waea: 03 371 2660  
Imera: taumutu@ngaitahu.iwi.nz

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### Licence Term and Conditions

We strongly support:

Option A: A fixed 5-year, non-renewable term.

This creates a clear transition window, and provides certainty to residents.

We also support the inclusion of the following provisions:

- **Environmental Triggers.** Licence termination clauses should be paired with environmental or infrastructure-based thresholds, including for example, the 2029 expiry of CRC102813 (or resulting material changes to this consent), relevant hazard zoning changes, or sustained failure or increased costs of essential infrastructure and access.
- **Bond Requirement.** A secured bond is considered necessary to ensure full site remediation at lease end is appropriately funded without burdening ratepayers or diverting limited environmental funds.
- **Inspections.** Regular inspections should assess not only structural safety but also flood exposure, contamination risk, and environmental impact. This supports Council's duty of care and ensures appropriate living conditions are maintained.

### Final Comments

This submission reflects our commitment to the intergenerational wellbeing of Te Waihora and those who live near it. Council has an opportunity to lead with integrity by setting clear limits, enabling a just transition, and upholding restoration goals.

As mana whenua and a Treaty partner, we ask that this submission be afforded appropriate weight and consideration.

We welcome further engagement and invite Council to contact our Tumu Whakarae (Chief Executive), Cory Neale, at [cory.neale@ngaitahu.iwi.nz](mailto:cory.neale@ngaitahu.iwi.nz).

Nāku iti nei, nā

Puamiria Parata-Goodall  
Chair  
Taumutu Rūnanga Limited



## Submitter Number: 198

**Full Name:** Vicki Glynn

**Organisation:**

**Wish to speak to the submission:** Yes

---

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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Please include your first and last name on the additional paper.

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### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* VICKI

Last name\* GLYNN

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☒ No YES

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

I have long been a fisherperson in the Selwyn River

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

None of Above: Please refer to Barnsley Clare  
Lembar's Opinion dated 20 June 25  
Please explain the reason for your selection:

I do not support these options. I believe the huts should be allowed to continue as previously with long term licencing for future generations

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

I do not consider that Council has been clear and transparent with its reasons for terminating licences

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

1/2 Mx 1/4 areas of NZ could be considered susceptible to these occurrences as we have seen lately

#### 3. What is the basis for this expectation?

Are there any additional events that you think should be considered?

☒ Yes ☐ No

Please add your comments:

The Council's own Jacobs Report suggested further scientific investigation and a clear rationale for the community is needed. This has not been done.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Council has an obligation to treat all residents/ratepayers equally. I feel Selwyn Huts households are being treated specifically different to other households - I would like to see all households treated equally.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Why introduce something that is not required of other ratepayers - why just the Selwyn Huts? (And after 30 years!!) Why is a bond needed for this specific group of ratepayers?

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

I feel the imposition of a bond is a very unfair ~~imp~~ action by a Council determined to drive residents out of their homes.

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other ~~No other~~

Please add your comments:

No other houses in the Council area are subjected to this invasive inspection programme. Again the S.H. are being targetted.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Make inspections random for all ratepayers and don't just target one settlement.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Inspections (if implemented) must treat all <sup>home</sup> owners fairly and equally, right across the district + only on a complaint.

## Submitter Number: 199

**Full Name:** Jeremy Meiklejohn

**Organisation:**

**Wish to speak to the submission:** Yes

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## Submission form

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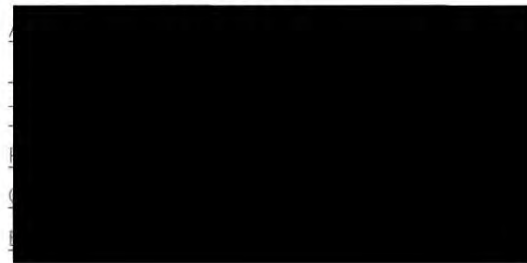
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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Jeremy

Last name\* Meiklejohn



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ **Fixed term of 5 years**  
No renewal.
- ☐ **A single fixed term of 30 years**  
No renewal.
- ☐ **Rolling 10-year terms**  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

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Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Please refer to attached paper

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

Please refer to attached paper

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Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

Please refer to attached paper

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Please refer to attached paper

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Please refer to attached paper

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☐ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Please refer to attached paper

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Please refer to attached paper

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Please refer to attached paper

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Please refer to attached paper

## WRITTEN SUBMISSION - UPPER SELWYN HUTS DEED OF LICENCE

Submitted by: Jeremy Meiklejohn

### Q1: Licence Term

Support is for a 30-year licence with the right of renewal for another 30 years, subject to safety and environmental review.

There is no legal requirement for hut licences to be non-renewable.

The 2019 Council resolution was never publicly disclosed, never included in LIMs or Deeds, and has no binding legal authority.

This land remains designated as a Local Purpose Reserve for hut settlement, a status that hasn't changed.

Under the **ROLD Act 1924**, there is no time limit on licences.

The **Reserves Act 1977** allows for terms of up to 33 years, with or without renewal.

Council has the legal ability to grant a renewable licence and should do so.

Why when there is a housing shortage do you want to make more people homeless?  
It doesn't make sense.

Also since your council's 2019 decision to put an end date in place, over 50% of the homes have had transfers of licences. How have you allowed that to happen, knowing full well that any potential buyer is effectively walking into a sinking ship with next to no chance of recovering any value from their asset?

This is purely disgusting..

Refer to Clare Lenihan's legal opinion dated 20th June 2025

### Q2: Environmental Triggers

Triggers for early licence termination must be based on independent, tested science, not subjective thresholds.

No licence should be ended unless,

There's a serious event that directly endangers safety,

A qualified, independent expert confirms the site is permanently unsafe, and no form of mitigation is possible.

Anything less sets a dangerous precedent and undermines trust in the process.

I Don't agree with any of these options, as these questions could apply for any community within the district. So why apply it only here???

What would your council do if any of these circumstances happened to any other part of the district????

Why are the Selwyn Huts treated differently???

Why can't residents be treated fairly and with the same respect as the rest of the residents within the district???

### **Q3: Bond Requirements**

There is no justification for introducing a bond now after 130 years without one. No cost estimate, timeline, or explanation of how it would work has been provided. This is not consultation, it's an undeveloped idea floated with no supporting structure. Introducing a financial burden in the middle of a housing and cost-of-living crisis is unreasonable.

Until full details are provided, this proposal should be taken off the table.

Bond seems very unreasonable considering the above mentioned. This is something that possibly should have been taken into consideration along time ago. So to make the residents have to pay for this seems unreasonable.

### **Q4: Building Condition Inspection Programme**

A one-time, fair baseline inspection may be reasonable, But only external. We own our own homes so you should not need to enter our homes.

But routine, unjustified inspections are not.

This is a residential community, not a council-owned asset list.

If there's no complaint, there should be no inspection.

If an inspection does take place, a support person must be allowed.

Inspections must not be used to pressure, penalise, or remove residents.

Council's principle of "ensuring no one is made homeless" should be clearly reflected in how this policy is implemented, not just in documents.

Inspections should only take place after a complaint has been raised, prior to this there should be no justifiable reason for this to happen. Does this happen anywhere else within the district without justification.

**Final Note:**

This is a formal written submission. I wish to speak at the hearing, either in person or via video link.

This process must reflect transparency, not agenda. The legal tools to offer long-term, secure tenure already exist.

What's lacking isn't law, it's political will.

The community deserves a process grounded in fact, fairness, and accountability.

I believe that if the shoe was on the other foot and this was happening to any of you or your family members or loved ones you would all be digging your feet in and asking for real true answer, transparency and honesty because thats only fair, and we all have the right to be treated with dignity and respect.

Respectfully,  
Jeremy Meiklejohn

A handwritten signature in dark ink, appearing to read "Jeremy Meiklejohn". The signature is fluid and cursive, with the first name "Jeremy" written in a larger, more prominent script than the last name "Meiklejohn".

## Submitter Number: 200

**Full Name:** Cécile Tait

**Organisation:**

**Wish to speak to the submission:** Yes

---



Email 21/7/2025

## Submission form

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### Submitter details

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First name\* Céile

Last name\* TAIT

Address\*

Town\*

Postcode\*

Contact number\*

Email address\*

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. Please explain:

☐ Other:



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

*non*  
I understood I was on a one-hundred-year renewable lease when I bought my hut in 1998, so if there was an "other" box, I would tick "100 YEARS WITH RIGHT OF RENEWAL".

There is NO time limit for licences the Selwyn District Council can grant under the ROLD ACT 1924. The minimum term that is acceptable to me is a 33-year licence with right of renewal.

Why is the council ignoring NZ law when it doesn't suit your purposes?

☒ Yes ☐ No

Please add your comments:

Please see Barrister's  
opinion below  
(Clare Lenihan)

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

*all of them*

Please explain your reason:

1. No road access for over a week wouldn't be a problem for me.

2. If road access was cut off permanently, I would just walk out and hitch to Lincoln when I needed to.

3. One person injuring themselves can happen at any time and shouldn't adversely affect the rest of us with eviction.

☐ Yes ☒ No

- Legal Obligations: Council's role is administrator of a local purpose reserve for the purpose of hut settlement which includes the notion of community. They have legal obligations to protect and preserve this local purpose reserve and ensure it is used and enjoyed for hut settlement purposes. Other legal obligations also include protecting its historic values; recognising the community's diversity; and promoting the social, economic and cultural well-being of its community, both now and into the future.
- Licence Term: The Council is not bound by any finite licence term and can grant a licence for more than one term of 33 years under the ROLD Act 1924 or the Reserves Act 1977. They are also not bound by their 2019 resolution that hut licences are short term and ultimately finite.

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

I'd like the council to consider fixing any damage, so life can return to normal at Selwyn Huts.

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### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at end of a licence term. This means the bond will only be used for returning the site to what it was before hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

I disagree with any bond, as I feel there should be a long-term, renewable licence, which renders it unnecessary.

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Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

There has never been a bond requirement since 1895.

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

**NEVER re inspections -the Selwyn District Council is NOT my landlord. I own my home. It is on Crown Land, not council-owned land. I know of nowhere in NZ where someone's own home can be inspected. I don't even want the lot inspected. Most of it can be seen from the road either side.**

**I feel this is just the council searching for reasons to evict people. I spent my life savings on this home to live in for the rest of my life, and I am now on the Invalid's Benefit. Most people don't have anywhere else to go.**

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If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

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Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

**The council can request an inspection from each landowner if a complaint is raised. Selwyn Huts has been fine since 1895 with no inspections. We need to be treated the same as everyone else in the district.**



## Submitter Number: 201

**Full Name:** Phillipa Fraser

**Organisation:**

**Wish to speak to the submission:** Yes

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## Submission form

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Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

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First name\* Phillipa

Last name\* Fraser

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☒ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts  
☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

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No renewal.
- ☐ **A single fixed term of 30 years**  
No renewal.
- ☐ **Rolling 10-year terms**  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

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Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Please see attached paper

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 3. Serious harm caused by a flood event:

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Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

Please see attached paper

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Are there any additional events that you think should be considered?

☐ Yes ☐ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Please see attached paper.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Please see attached paper.

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

Please see attached paper.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Please see attached paper.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Please see attached paper.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## WRITTEN SUBMISSION – UPPER SELWYN HUTS DEED OF LICENCE

Submitted by: Phillipa Fraser

### 1. Licence Term

I support a 30-year licence with the right to renew for another 30 years if it remains safe to live in. There is no law that stops Council from doing that. The 2019 'finite' decision wasn't law, wasn't disclosed, and has no legal weight. That truth matters because people made life decisions without ever being told otherwise.

This is not temporary to us. We live here. We raised our children here. People bought homes in good faith. To rewrite their future now isn't policy. It's rewriting the rules after the game's begun.

This land is legally a Local Purpose Reserve for hut settlement. That designation hasn't changed. There is no clause in the ROLD Act or reserves act forcing an expiry. The law allows renewals. Council can grant them.

If Council values housing protection, then here's the moment to show that's real, not strategic.

Refer to Clare Lenihan's legal opinion, dated 20 June 2025.

### 2. Environmental Triggers

Council's environmental trigger examples are vague, lightly worded, and open to misuse. Even its own consultant report admits more detail is needed.

If there's ever a serious event that makes the area truly unsafe, then of course people should be protected. But the threshold must be high, confirmed by a qualified, independent expert, when no mitigation is possible. Anything less becomes a loophole. People don't deserve to live with that hanging over their heads.

This isn't just about staying safe. It's about how 'unsafe' gets defined. Who gets to decide and why.

### 3. Bond Requirements

A bond has never been required here. Council is now suddenly suggesting one with no information, no consultation, no stated amount, no purpose, and no detail. It simply says residents might have to pay for something that has not been explained. That is not protection. It is pressure.

It's like being told you may have to leave, but first you'll need to pay for the possibility. Would any councillor agree to that if it were their own home? If Council intends to introduce a bond, it must be explained clearly and publicly. That means stating the purpose, the process, and the numbers. Until then, it feels like a financial tactic to quietly make it harder for people to stay.

#### 4. Building Condition Inspection Programme

Council is proposing inspections on residents' homes. For what reason?

These are homes. No one else in the surrounding district is being asked to accept this kind of monitoring, so why should this community?

There is no clear explanation of how these inspections would work, how often they would happen, or what would trigger them. If there is a genuine issue, then it should be addressed directly. But introducing inspections without that feels more like a tactic to push people out.

Being watched in your own home is not protection. It is control. If that's the approach being taken, it needs to be named for what it is.

#### Final Note

This is a formal submission. I request to speak at the hearing in person or via video link.

Council has the legal ability to grant renewable licences. The ROLD Act places no limit. The Reserves Act allows terms up to 33 years, with or without renewal. There is no legislative block.

We are not asking for special treatment. We are asking for honesty. For housing protection to mean something. For strategy to stop reshaping people's futures.

This is a community that has done everything asked of them. Still, it's not enough. If leadership stands for anything at all, let it stand for that truth now.

Respectfully,

Phillipa Fraser

**TO: Mayor Sam Broughton, CEO Sharon Mason, and Selwyn District Councillors**

I used to think leadership meant having all the answers. But after living through what's been done to the Upper Selwyn Huts community, I see it differently now.

Real leadership isn't polished press releases, staged consultation, or controlled messaging. It isn't hiding behind process while people are left confused, unheard, or misled. Leadership means showing up, especially when it's uncomfortable. It means listening to people who aren't polished, who don't speak in formal language, who've been left out of the conversation. It means transparency even when it costs you. It means fairness when it's inconvenient.

What I've seen in this process, from the way the 2019 decision was buried, to the one-sided consultation materials, to the silence when legitimate questions are raised, doesn't match the values I was taught to respect.

You want to know what leadership looks like? It isn't sitting in chambers while communities are reshaped behind closed doors. It isn't cutting people out because they don't fit the narrative.

Leadership has come from the people on the ground, the ones pulling together information, hosting BBQs so neighbours can feel heard, reading the reports, chasing the law, writing submissions, answering questions, and facing the emotional toll of this mess.

It hasn't come from a media department. It hasn't come from selective appearances or behind-the-scenes decisions. It hasn't come from those in the highest-paid positions who still haven't walked the full track of what this process has done to people.

You've made choices with lasting consequences. Some of you will be leaving your roles shortly. This Community will still be here, carrying the weight of it. If Integrity, Fairness, and Transparency mean anything to you, now is the time to show it.

This isn't a speech. It isn't a PR campaign. It's a mirror.

Because if leadership isn't grounded in truth, it's just theatre. People are done clapping for the performance.

To be honest, if this vote goes ahead it will Say Everything.

It will say Council deliberately withheld the 2019 decision.

It will say consultation was a cover, not a conversation.

It will say the options were shaped to look fair while locking people into an ending that had already been decided.

It will say this was Never about safety, cost, or fairness. It was about Control.

It will Prove that Leadership here isn't about truth. It is about ticking boxes, protecting image, and hoping people stay quiet.

This vote would Confirm that Public Trust is Optional. That people are disposable. That facts don't matter when the narrative is already decided.

If that's not the truth behind this process, then prove it.

Don't vote on a future you never gave people a real say in.

For My Family, For Our Home  
For The Truth.

Phillipa Fraser

21.7.25

## Submitter Number: 202

**Full Name:** Georgia Yurjevic

**Organisation:**

**Wish to speak to the submission:** Yes

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## Submission form

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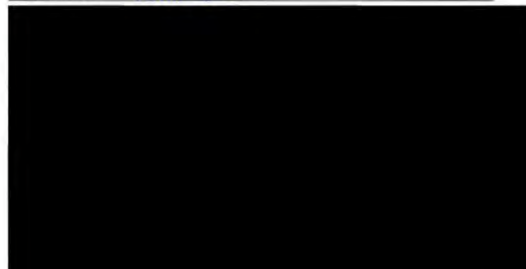
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### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Georgia

Last name\* Xurievic



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

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No renewal.

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No renewal.

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Please See Attached  
Paper

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Please see attached  
paper

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

Please see  
attached paper

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

Please see  
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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

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Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☒ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☒ Other

Please add your comments:

Please see attached paper

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Please see attached paper

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Please see attached paper

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Please see attached paper

WRITTEN SUBMISSION – UPPER SELWYN HUTS DEED OF LICENCE

Submitted by: Georgia Yurjevic (Age 13)

Question 1: Licence Term

I've grown up in this community. It's not just where I live, it's where I've learned, where I've made memories, and where I feel safe. This place isn't temporary to me. Thirty years makes sense, and if it's still safe after that, we should absolutely be allowed to stay longer. The idea that homes here come with a countdown is stressful and unfair, especially when no one told people about it when they moved in. Families came here to build a future.

Question 2: Environmental Triggers

If something major happened, like a flood that made it permanently unsafe, then yes, people might have to leave. But only if that's confirmed by an independent expert, and only if there's truly no way to fix it. It shouldn't be based on what someone thinks might happen one day. That's not how you treat people who have lived here for years. If it's safe to live here, we should be allowed to.

Question 3: Bond

Why would my mum have to pay money in case her home gets taken away? That is paying for your own removal and we're expected to do it without even knowing what it covers or how much it is. It's not fair. It's not clear. It puts pressure on families who are already worried. It doesn't protect us. It just makes us feel more unsure, like we're being pushed out before anything's even happened.

#### Question 4: Inspections

I don't know anyone else my age in Lincoln, Leeston, or anywhere else in the wider district who has Council turning up to inspect their homes, so why are they trying to force them on us?

These are our homes, bought and paid for, just like anyone else's.

No one else has to agree to regular inspections just to live where they live. It feels like we're being treated differently, like they're looking for reasons to make us leave.

We're not agreeing to be monitored. That's not support. It's not respectful. And it's not lawful.

We don't agree to that. This is our home, not something temporary or less-than.

You wouldn't do that to other neighbourhoods, so why us?

Like we have to prove over and over again that we're allowed to live here. That's not how anyone should be made to feel in their own house.

Being watched isn't support. It just adds more stress.

#### Final Note

I'm 13. I'm not an adult, but I understand what this feels like.

This is where I live. I walk to the river. I bike to my friends' houses. I know every shortcut, every neighbour. It's not just a location, it's my life.

Instead of feeling secure, I keep hearing that this place might not be ours for long. Not because of something we've done, but because someone wants to call it temporary. That's hard to hear when you're a kid.

Please think about what this really means for the people who call this place home. It's more than a policy. It's our lives.

Georgia Yurjevic

Age 13

Upper Selwyn Huts Resident

This submission speaks from lived experience.

While it doesn't reference the legal details, the concern raised in Question 4: Inspections is valid.

This clause has been introduced by Council, it is not a legal obligation.

The submission raises a fair and accurate concern.

Please refer to Clare Lenihan's legal opinion dated 20th June 2025.



## Submitter Number: 203

**Full Name:** Stella Yurjevic

**Organisation:**

**Wish to speak to the submission:** Yes

---

## Submission form

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First name\*

Stella

Last name\*

Kurjevic

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☒ Yes ☐ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

- ☒ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts  
☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ **Fixed term of 5 years**  
No renewal.
- ☐ **A single fixed term of 30 years**  
No renewal.
- ☐ **Rolling 10-year terms**  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Please see Attached Paper

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

Please Attached see Attached Paper

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

Please see attached paper-

Are there any additional events that you think should be considered?

☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Please See Attached Paper

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### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

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Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Please See Attached Paper

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### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☐ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Please See Attached Paper

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Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Please See Attached Paper

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If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Please See Attached Paper

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Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Please See Attached Paper

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## WRITTEN SUBMISSION - UPPER SELWYN HUTS DEED OF LICENCE

Submitted by: Stella Yurjevic (Age 11)

### Question 1: Licence Term

I live here. This is my home. It shouldn't have an end date like milk in the fridge. Thirty years makes sense - and if it's still safe after that, we should be allowed to stay longer. If Council can give us that, then why wouldn't they? People don't buy homes thinking they'll be kicked out. That's not how home works. This place is real. It matters to us.

### Question 2: Environmental Triggers

If something huge and dangerous happened - like a flood that breaks everything and can't be fixed - then yes, people might need to leave. But only if someone independent and smart says it's not safe and there's no way to make it safe again. You don't just guess and take people's homes away. That's not fair.

### Question 3: Bond

Is this so my mum pays money for her own house to be taken away? Why would she do that? And how much is it? What's it even for? It's really confusing. No one's explained anything.

### Question 4: Inspections

I don't think it's normal to have people checking your house just because of where you live. None of my friends in Leeston or Lincoln have to deal with that. It makes me feel like we're being picked on. This is our home. We live here properly. We don't need strangers coming to look around or check up on us. It doesn't feel kind. It feels like they don't trust us - and that makes it not feel like home.

This submission speaks from lived experience.

While it doesn't reference the legal details, the concern raised in Question 4: Inspections is valid.

This clause has been introduced by Council, it is not a legal obligation.

The submission raises a fair and accurate concern.

Please refer to Clare Lenihan's legal opinion dated 20th June 2025.



#### Final Note

I'm 11 years old, and I already know when something's unfair. This isn't just some hut.  
It's my home.  
I ride my bike here. I know every corner. I know my neighbours. I feel safe here.

Don't take away what makes this place feel like ours.

Stella Yurjevic

Age 11

Upper Selwyn Huts Resident

## Submitter Number: 204

**Full Name:** Patrick John Cooper

**Organisation:**

**Wish to speak to the submission:** No

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## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](http://selwyn.govt.nz/USH) before completing your submission.

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### Privacy statement

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If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* PATRICK JOHN

Last name\* COOPER

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts

☒ I have an interest in this area. Please explain:

Neighbouring property

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

- ☐ Fixed term of 5 years  
No renewal.
- ☒ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

Right to renewal

Do you have any other feedback?

- ☐ Yes ☒ No

Please add your comments:

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☐ Yes ☒ No

Please explain your reason:

Are there any additional events that you think should be considered?

- ☐ Yes ☒ No

Please add your comments:

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

*Consult an independent party.*

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

*More information needed.*

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

## Submitter Number: 205

**Full Name:** Ian and Sharon Ovenden

**Organisation:**

**Wish to speak to the submission:** No

---



18/7 Post

## Submission form

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Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* IAN & SHARON

Last name\* OVENDEN

Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☐ I am a licence holder
- ☐ I am not a licence holder but live at Upper Selwyn Huts
- ☐ I have an interest in this area. Please explain:

☒ Other: We have friends who live there as a back holder/ licence holder and we visit from time to time.



## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☐ A single fixed term of 30 years  
No renewal.

\* ☒ Rolling 10-year terms *BUT see below.*  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

*There appears to be no good reason why occupancy should not extend beyond 30 years (unless new information comes to light).*

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

\* *We don't believe any of the above 3 options are sufficient as they all place a 30 year finite limit. All these options should be reviewed with a view to longer occupancy (unless new scientific or other evidence comes to light).*

*We believe a better option would be a licence term of 30 years with the right of renewal for a further term of 30 years subject to environmental triggers (with specific triggers to be agreed).*

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☒ No

Please explain your reason:

*This should only be if a SIGNIFICANT EVENT causing serious damage to homes and people or a risk of such that cannot be mitigated.*

Are there any additional events that you think should be considered?

☒ Yes ☒ No

Please add your comments:

*Any assessment of the area should be by an independent body without an agenda and only if the area is permanently uninhabitable should any licence end date apply.*

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Council should treat residents/licence holders with the same degree of assistance as any other rate payers.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No IF cost of collection and retention is excessive.

Please add your comments:

BUT any bond should be affordable and reasonable and the money should be invested and any interest earned returned to the licence holders.

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No BUT

Please add your comments:

Why is a bond now required when it has not been required for over 100 years? The red tape involved in collecting the bond and administering any money investment would probably make this unworkable!!

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☐ Every 3-5 years

☒ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Residents/licence holders should be treated like any other person living in Slough District.

Do you think the checklist covers the right things?

☐ Yes ☒ No ☐ Not sure

Please specify what you would change:

Should be external inspection only.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Householders should have a support person present during any inspection. The inspection should not be a reason to terminate a licence.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

Householders/licence holders should be given reasonable time to carry out any repairs needed. We need to keep people in their homes NOT create more headaches!!

## Submitter Number: 206

**Full Name:** Robert Thomson

**Organisation:**

**Wish to speak to the submission:** No

---



Counter 21/7.

## Submission form

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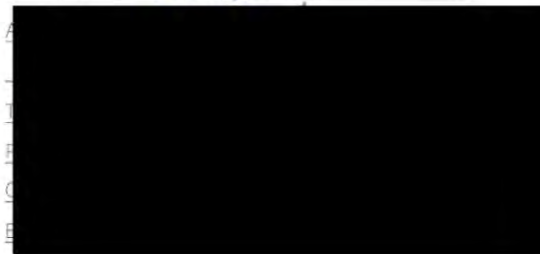
All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* Robert Thomson

Last name\* Thomson



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_



## Questions

### 1. Licence term options

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- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

☒ See a licence term of 30 years  
Please explain the reason for your selection:

This document is a sham  
and is totally illegal and  
will be tested in law.

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

See attached  
document from  
Clare Lenihan  
Barriers.

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

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#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☐ Yes ☐ No

Please explain your reason:

Bullshit, are you going to  
close Boyeston down for flooding  
and Leerton

Are there any additional events that you think should be considered?

☐ Yes ☐ No

Please add your comments:





20 ~~May~~ June 2025 NB. This Letter has been updated for Upper Selwyn Huts Residents to include as part of their submissions to Selwyn District Council consultation on future licences. It has not been sent directly to Council. Also note the comments on significance and engagement are no longer relevant, given consultation has commenced.

Chief Executive  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston 7643  
Att: Sharon Mason

Without Prejudice

C/- Mark Odlin, Buddle Findlay.  
Cc Mayor and Councillors

By e-mail: [mark.odlin@buddlefindlay.com](mailto:mark.odlin@buddlefindlay.com)

Dear Sharon,

**Re: Upper Selwyn Huts – Council meeting 21 May ~~September~~ 2025 - process for further consultation on options for the future of Upper Selwyn Huts and Licence term**

1. I represent the Upper Selwyn Huts residents (the Residents).
2. In terms of the Council meeting 21 May 2025, the Residents have asked me to address their concerns around:
  - (i) the proposed licence term options (three) for consultation, which only have finite terms (5 years or 30 years) These finite terms unnecessarily restrict options the Council has and likewise restrict options for consultation with the community; and
  - (ii) the downgrading of the significance of this issue by Council to “moderate” from “significant”.
3. For the detailed reasons set out in this letter, in summary the Residents seek Council (specific requests in *italics*):

**A. Licence Term options**

Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed) *Add a fourth option for consultation regarding the Licence term i.e. “Triggers with no end date, relying on environmental conditions.”*

**Reasons:**

- (i) Council is not bound by a specific finite term under the Reserves Act – these licences are granted under the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (the ROLD Act). The provisions in the ROLD Act authorising building huts on the

[www.environmentallawyer.co.nz](http://www.environmentallawyer.co.nz)

reserve were enacted as no lease could be granted under the relevant legislation at the time<sup>1</sup> for buildings over reserves, nor granted for a term longer than 21 years. The ROLD Act specifically overrides these two limits. **There is no limit on term under that Act.**

- (ii) Council is also not bound to have a finite term by virtue of its 2019 resolution that said licences should be short term and finite. The reasons for that resolution (wastewater) no longer apply. Council also resolved in July 2024 to pause the process under which a finite term of 15 years was proposed (which relied on the 2019 resolution).
- (iii) In deciding the appropriate term, it is important to consider the purpose of the reserve. In 2015 the Council sought the Crown (Department of Conservation) change the reserve purpose from recreation to — **local purpose reserve for hut settlement purposes**. This is very specific, and “hut settlement” includes the idea of a **community of people**. There are also significant historic/heritage values to consider, which also focus on the community.
- (iv) The Reserves Act provides for leases and licences to be issued for terms of up to 33 years, with or without a right of renewal<sup>2</sup> (which is included as a condition of the lease or licence), perpetual or otherwise, for the same or any shorter term<sup>3</sup>. A renewal option means a condition is included the licence that if at the end of the term the licensee has complied with all the terms and conditions, they can opt to exercise a right of renewal for a further term of e.g. 33 years (Council must then grant a further term of 33 years).
- (v) When reading the ROLD Act and relevant Reserves Act provisions together<sup>4</sup>, Council can grant a licence<sup>5</sup> for a term not exceeding 33 years, with or without a right of renewal<sup>6</sup>, perpetual or otherwise. Council has a discretion to decide the term (not greater than 33 years at any one time) and whether to include a renewal option in the licence. The total term, including renewals could be up to e.g. 66 years, or 99 years (but the term is no greater than 33 years at one time). Technically **there is no limit on the total term of a licence for the USH under the Reserves Act 1977.**
- (vi) In deciding what term is appropriate Council should consider not only the purpose of the Reserves Act and the particular reserve purpose (for hut settlement purposes), but also, as part of its broader role, the dual purposes in the Local Government Act 2002<sup>7</sup>. These dual purposes include recognising the diversity of the Upper Selwyn Huts community<sup>8</sup> and promoting the social, economic and cultural well-being of that community both now and for the future<sup>9</sup>.

<sup>1</sup> The Public Reserves and Domains Act 1908, section 34.

<sup>2</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>3</sup> It varies depending on lease types and the specific activity proposed.

<sup>4</sup> Section 168 ROLD Act and Section 61 Reserves Act 1977

<sup>5</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>6</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>7</sup> Section 3 and 10 Local Government Act 2002.

<sup>8</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>9</sup> Section 10(1)(a) Local Government Act 2002

- (vii) Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

## **B. Significance and Engagement**

*Confirm this issue continues to be treated as "significant", as classified in 2024 by Council.*

### **Reason:**

It is unclear why Council staff consider this issue is now "moderate". The circumstances surrounding the categorisation of the issue as "significant" in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used.

## **Detailed reasons and background**

### **A. Licence term options**

#### **(i) Council not bound by finite term under the Reserves Act 1977**

*Under what Act is the power to grant a lease or licence?*

4. The Crown is the registered proprietor of the reserve, and the Department of Conservation (**DoC**) is the responsible department. The Selwyn District Council (**the Council**) is the administering body for the reserve under the Reserves Act 1977 and has managed the reserve since its appointment in 1989<sup>10</sup>.
5. The Council has advised it grants the USH Licences to Occupy pursuant to section 61 of the Reserves Act (set out in Appendix One), which sets out the powers (including leasing) in respect of local purpose reserves.
6. As the reserve is not vested in the Council, only the Commissioner<sup>11</sup> can grant a lease, for limited purposes<sup>12</sup> which do not apply here<sup>13</sup>. There is no power in section 61 of the Reserves Act for the Council to grant a licence<sup>14</sup>.

<sup>10</sup> The 1989 reorganisation of local authorities included, among other things, the abolition of the Springston South Domain Board and the responsibility for governance of the reserve was transferred to the Council at that stage. The Council administered the reserve in conjunction with the Springston South Domain Committee until 2011, and then on its own thereafter.

<sup>11</sup> Although this section refers to "the Commissioner", this is now the Director General of Conservation, see s2 of the Reserves Act 1977.

<sup>12</sup> The limited purposes are community building, playcentre, kindergarten, Plunket room, or other like purposes, and for farming, grazing, cultivation, cropping, or other like purposes.

<sup>13</sup> Section 61(3) Reserves Act 1977

<sup>14</sup> The Minister can grant a licence by way of concession, s59A Reserves Act, but not the Council. Also see *Opua Coastal Preservation Inc v Far North District Council* [2018] NZCA 262, a case involving the Reserves Act 1977. Of the ability to grant licences under the Reserves Act the Court noted "The power to grant licences is more constrained than the leasing power." At [97].

7. In 1999 Buddle Findlay provided advice to Council that the power to grant a licence for the USH is pursuant to s168(2) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (**ROLD Act**).
8. Section 168 of the ROLD Act provides (**bolding mine**):
  - (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorising the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
  - (2) Subject to the other provisions of this section, **the Lake Ellesmere Domain Board<sup>15</sup> may grant licences over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the licence and to erect dwellings thereon; such licences shall contain such terms and conditions as the Board thinks fit.**
  - (3) ...
  - (4) Every lease or licence granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
9. Only the Governor General or the Minister of Lands can grant a lease, s168(1). The Council can only grant a licence, s168(2).
10. The grant of a licence to occupy under the ROLD Act is “subject to the other provisions of this section”, s168(2). The relevant provisions in s168 are:
  - (i) No lease or licence can be granted over any allotment exceeding <sup>16</sup> “twenty perches”<sup>17</sup>
  - (ii) Huts are to be built within a specified time, with a design in accordance with plans and specification to be approved by the Council<sup>18</sup>
  - (iii) The licence shall contain such terms and conditions as the Council thinks fit<sup>19</sup>; and
  - (iv) The lease or licence may contain such conditions, covenants and restrictions with respect to the use and occupation of the land and dwelling and as to the performance by the lessees to the satisfaction of the Council<sup>20</sup>.
11. The ROLD Act has never been repealed and is still in force. It was referred to as the relevant governing legislation for the USH in a 1979 case *Downes v Commissioner of Crown Land* (an

<sup>15</sup> The Council now has the powers of the Lake Ellesmere Domain Board.

<sup>16</sup> Section 168(3) ROLD Act

<sup>17</sup> This translates to 505.85m<sup>2</sup>.

<sup>18</sup> Section 168(4) ROLD Act. An example of that type of licence conditions was referred to in the case *Downes v Commissioner of Crown Lands* – condition 7 of the licence in issue required that if a licence was granted over a section on which no fishing hut was erected, the Board could require a licence to erect a fishing hut within three calendar months.

<sup>19</sup> Section 168(2) ROLD Act

<sup>20</sup> Section 168(4) ROLD Act

appeal against the refusal of the Springston South Domain Board to approve certain building proposals)<sup>21</sup>.

12. The ROLD Act contains the power to grant a licence to occupy the reserves but it doesn't mention a specific term. The reserve itself is still administered and managed under Reserves Act 1977, which remains relevant, including when considering the term of any licence.
13. **Summary:** The only power for Council to grant a licence over the reserve is under the ROLD Act but the reserve itself is still managed under the Reserves Act, which remains relevant, in relation to the term of licence and administration and management of the reserve.

*What term can be granted?*

14. At its 5 March 2025 meeting, the Council noted legal constraints in the Reserves Act 1977 limit licences to a maximum of 33 years. Council considers it cannot grant a licence longer than this period<sup>22</sup>.
15. As set out above, Council can only grant licences under the ROLD Act. There is no provision limiting the term for licences under the ROLD Act, nor any guidance as to an appropriate term.
16. The reserve is still under the umbrella of the Reserves Act 1977<sup>23</sup>, so relevant considerations to guide what term is appropriate (alongside s168 of the ROLD Act) would include<sup>24</sup>:
  - (i) the overarching purpose of the Reserves Act;
  - (ii) the specific reserve classification i.e. local purpose reserve for hut settlement; and
  - (iii) lease and licence terms available for various reserve types under the Reserves Act.
17. Under the Reserves Act, the following terms can be granted:
  - (i) A lease over a historic reserve for a term not exceeding 33 years<sup>25</sup>, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>26</sup>.

<sup>21</sup> *Downes v Commissioner of Crown Lands* SC Christchurch 7/78 [1979] NZHC 208 (8 November 1979). Interestingly, the Judge notes that "No formal written licence is apparently issued. The conditions are drawn to the attention of prospective licensees by the application form which requires a signature by the assignee over an acknowledgement that he has read the conditions under which the licence is held as printed on the back and undertaking if the transfer be approved to comply with the conditions."

<sup>22</sup> Section 61 Reserves Act 1977

<sup>23</sup> The ROLD Act only gives statutory authority to grant leases and licence over what was a recreation reserve to erect, use and occupy huts but other relevant provisions of the Reserves Act 1977 continue to apply.

<sup>24</sup> Also relevant at an individual licence holder level will be any major non-compliance with essential licence terms and conditions e.g. persistent nonpayment of rent.

<sup>25</sup> Also relevant is if a lease is granted for a term of 35 years or more, this is deemed to be a subdivision for the purposes of the Resource Management Act 1991. Most leases are for less than 35 years to avoid this complication. A renewal of a lease is considered a new lease, so a renewal for 33 years after an initial 33-year term is not additive – it is not a 66-year term.

<sup>26</sup> For domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes, s58A(4)

- (ii) A lease over a local purpose reserve for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple<sup>27</sup>.
  - (iii) Leases and licences over scenic and recreation reserves for 33 years with the “ability for further similar terms to be granted”<sup>28</sup>.
  - (iv) Where a recreation reserve is not being used/not likely to be used, a lease can be granted for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple,<sup>29</sup>.
18. The longest term for a lease is 33 years, with a right of renewal, and in perpetuity; and for licences, 33 years, with the ability for further similar terms to be granted. For licences, “terms” is plural – it is not restricted to one further term of 33 years.
19. As the reserve is a local purposes reserve, section 61 of the Reserves Act is relevant. Reading the ROLD Act and section 61 of the Reserves Act together, a licence<sup>30</sup> can be granted for a term not exceeding 33 years, with or without a right of renewal<sup>31</sup>, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple.
20. Council has a discretion within the above, but technically there is no limit on the term of a licence for the USH under the Reserves Act 1977.
21. Also relevant in deciding what term is appropriate is the purpose of Local Government Act 2002 (LGA 2002). There are dual purposes<sup>32</sup> under the LGA 2002:
- (i) To provide for democratic and effective local government that recognises the diversity of New Zealand communities – in this case it would be the diversity of Upper Selwyn Huts community<sup>33</sup>; and
  - (ii) To promote the social, economic and cultural well-being of communities in the present and for the future<sup>34</sup>. Here, it is the well-being of the Upper Selwyn Huts community that is relevant both in the present and more particularly in the future.
22. Given Council must manage the reserve for its specific purpose, and in accordance with the broader purposes of the Local Government Act 2002, in the absence of reasons to grant a shorter

<sup>27</sup> For a community building, playcentre, kindergarten, Plunket room, or other like purposes: and for farming, grazing, cultivation, cropping, or other like purpose, s61(2B).

<sup>28</sup> See Schedule 1 for details of specific types of leases and licences.

<sup>29</sup> For farming, grazing, afforestation, s73(3) and Schedule 1.

<sup>30</sup> In accordance with the ROLD Act, Council can only grant a licence, not a lease.

<sup>31</sup> A right of renewal normally contemplates the grant of a new lease/licence but this is exercisable as a condition of the lease/licence document itself. The only limit is usually that lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with. See e.g. Schedule 1 Reserves Act 1977.

<sup>32</sup> Section 3 and 10 Local Government Act 2002.

<sup>33</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>34</sup> Section 10(1)(a) Local Government Act 2002



or finite term, Council should grant licences for a term consistent with the continued existence of the hut settlement.

23. **Summary:** Reading the ROLD Act and section 61 of the Reserves Act together, there is no limit on the term of a licence that can be granted for the USH, ~~under the ROLD Act so it. Guidance under the Reserves Act indicates~~ Licences can be granted for up to 33 years, with the ability for further similar terms to be granted, with no limit specified. The specific reserve purpose is relevant to consider (for hut settlement purposes) alongside the relevant purposes of the LGA 2002 to recognise the diversity of the Upper Selwyn Huts community<sup>35</sup> and to promote the social, economic and cultural well-being of that community both now and for the future<sup>36</sup>.

**(ii) Council not bound by 2019 resolution to require a finite term**

24. Residents are concerned Council is still relying on its May 2019 Resolution to justify imposing a finite term i.e. 'Hut licences and subsequent renewals are short term and ultimately for a finite period'. The proposed 15-year finite term in 2024 flowed from this 2019 Resolution.
25. Reasons residents consider Council is still relying on this Resolution to justify a finite term for the next phase of consultation options include:
- (i) On 5 March 2025 the Council publicly excluded workshop about the Selwyn Huts states under the heading "Guiding principles and assumptions"<sup>37</sup>:

*The Deed of Licence is finite (regardless of whether this involves triggers or a set date).*

26. The meeting Agenda for this meeting (21 May 2025) includes four (4) references to either the 2019 Resolution and/or a finite term – sections 3.3.5, 3.3.7, 4.11 and section 5.2.
27. The most concerning item is under the heading **Licence Term Options**, where section 5.2 states:
- On 8 May 2019 Council unanimously determined that 'Hut licences and subsequent renewals are short term and ultimately for a finite period'.*

28. Section 5.3 goes on to state "This section of the consultation aims to satisfy Council's direction to provide long-term certainty for the licence holders."

29. Section 5.4 sets out:

"The consultation asks the following two questions:

- (i) Please select your preferred licence term from the options below
- o Option A: Fixed term of 5 years with a final, non-renewable expiry date. Why is this your preferred option?
  - o Option B: A single fixed term of 30 years with a final, non-renewable expiry date. Why is this your preferred option?
  - o Option C: Rolling 10-year terms with the ability to renew, up to a maximum of 30 years total (10 + 10 + 10 years). Why is this your preferred option?

<sup>35</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>36</sup> Section 10(1)(a) Local Government Act 2002

<sup>37</sup> Page 29

*(ii) Do you have any other feedback?"*

30. It seems clear the finite options included above flow from both Council's view that the Reserves Act limits the term of licences and the 2019 Resolution reference to a finite term is still binding, even though process that flowed from that and the resulting 15-year finite term have been paused. It is also unclear whether Council has considered the relevant purposes of the LGA 2002.
31. As set out in my correspondence to Council dated 23 May 2024, Council reference to (and reliance on) a "finite term" for the USH licences is misguided, factually and legally:
- (i) It arose out of the Council's 2019 Resolution made in the context of issues with funding of and solutions for wastewater.
  - (ii) As the wastewater issue has been resolved this is no longer an issue and cannot be used as justification for a short (or finite) term.
32. I also note that in the Council minutes from the 24 July 2024 meeting, two of the resolutions were to:
- (i) engage with the USH community through to 1 March to develop a proposal concerning the future licensing arrangements for the USH; and
  - (ii) pause the current USH process that would have resulted in a deed of licence (DOL) being issued for a maximum total of 15 years.
33. A potentially shorter term (via a longer term with triggers) could be justified if there was an imminent threat to the huts from e.g. climate change. Given the recent findings of Aqualinc and the Jacobs Report<sup>38</sup> that there is no pressing risk in the next 30 or so years, this cannot be used as justification for a short (or finite) term.
34. If any issues arise which are backed by scientific evidence, these could be accommodated by environmental trigger(s) conditions in the licence.
35. **Summary:** Council should not rely on the 2019 Resolution to justify a finite term. There also aren't any reasons e.g. climate change, that would justify a shorter, finite term.

**(iii) Purpose of the reserve and historic values**

36. The overarching purpose of the Reserves Act is set out in section 3<sup>39</sup>:

It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

<sup>38</sup> Presented to Council in a public excluded Councillor Workshop, on 5 March 2025, the report stated "One of the key drivers for retreat was the anticipated impacts from climate related hazards. SDC have since received technical presentations from Environment Canterbury and Aqualinc that show **the risk is not as significant as previously thought**. Given this, the work and related engagement process, are currently on hold pending further direction from the Council after a review of the updated information.

<sup>39</sup> Section 3(1) Reserves Act

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
- (ii) wildlife; or
- (iii) indigenous flora or fauna; or
- (iv) environmental and landscape amenity or interest; or
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

37. The purpose of a local purpose reserve is<sup>40</sup>:

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas **for such local purpose or purposes as are specified in any classification of the reserve.**

#### *Hut settlement*

38. At the request of the Council<sup>41</sup>, the reserve where the huts are situated was reclassified by DoC in 2015 from recreation reserve to “local purpose reserve for the purpose of hut settlement”, “which would more accurately define its current use”<sup>42</sup>. The Council decided what the purpose of the reserve was to be, and DoC approved it.<sup>43</sup>

39. “Hut settlement” isn’t defined or further described in the Reserves Act. The ordinary meaning of “settlement” includes “a community formed by members of a group, esp. of a religious sect.”<sup>44</sup> “Religious sect” is not applicable here, but the idea of a community formed by members of a group is. “Community”<sup>45</sup> is defined as “a group of people living in one locality”.<sup>46</sup>

40. The purpose of the reserve is clearly focussed on the community of people who live at the Upper Selwyn Huts.

41. The reserve purpose (hut settlement) is also reflected in the current Licences which state (**bolding mine**):

- (i) Clause 1.1 “Licence” means **permanent licence** (as described in Schedule 1) granted by the Licensor to the Licensee under this licence.
- (ii) Under the heading TYPE OF LICENCE, Clause 4.1 provides:

The various lots on the Reserve have been set aside by the Licensor to be granted to Licensees as: ... (a) **permanent licences**,  
and the type of Licence granted to the Licensee is specified in Schedule 1.

- (iii) Schedule 1 Item 12. Licence Type: **Permanent**.

<sup>40</sup> Section 23 Reserves Act

<sup>41</sup> See letter dated 11 March from DoC to the Council, DoC “has consented to your proposed classification”.

<sup>42</sup> E-mail from Selwyn District Council 4 May 2009 (it is unknown who it is to, as that is redacted).

<sup>43</sup> See e-mail from DoC to the Council on March 31, 2010, where DoC informed the Council, it needed to decide what it considered to be the most appropriate classification given its current use. DoC suggested local purpose (community purposes). By October 2009, the Council has decided the area would be reclassified as Local purpose (hut settlement), see letter from the Council to DoC 23 October 2009.

<sup>44</sup> Collins Shorter English Dictionary, Harper Collins 1994

<sup>45</sup> Collins Shorter English Dictionary Harper Collins 1994

<sup>46</sup> Collins Shorter English Dictionary Harper Collins 1994

(iv) Schedule: **Permanent** licences terms and limitations on use:

The Licensee may **permanently occupy** the Lot and reside in the hut in accordance with the terms and conditions of the grant of licence provided in this Licence.

42. Residents advise there are precedents for licence renewals over 130 years. Even though the licences have been for 5-year terms with rights of renewals, Residents always understood the renewals to be for the purpose of “refreshing” licence terms and conditions, not anything to do with the term itself, which Residents have always understood was permanent.
43. The Department of Conservation also verbally told residents they should be able to stay long term with the reclassification to local purpose hut settlement.

#### *Historic features*

44. Section 23(2) of the Reserves Act provides that having regard to the specific local purpose for which the reserve is classified, each reserve shall be managed so that where there are... **historic features present**, those features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
45. The historic features and values of the reserve have been assessed by Under Over Architecture Ltd (UOA) in their Statement of Significance<sup>47</sup>. There are significant heritage/historic values present at the Upper Selwyn Huts<sup>48</sup>, which include
- (i) taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - (ii) the group value of the USH is integral to its heritage significance.
  - (iii) the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - (iv) the USH community retains significance for the families, owners and occupiers; and
46. These specific values also link to the purpose of the reserve, which focuses on the community.
47. UOA recommends the Upper Selwyn Huts remain on their current site; that they are entered on HNZPT’s List/Rāangi Korero as a historic area; and that they are added to SDC’s District Plan heritage schedule.

#### **(iv) Powers and obligations of Council**

##### *Functions of Council*

48. The Minister of Conservation appoints a local authority to control and manage a reserve “for better carrying out the purpose of any reserve”, for the **particular purpose for which it was classified**<sup>49</sup>.

<sup>47</sup> The Report is still in draft at the date of this opinion, but the findings are not expected to change.

<sup>48</sup> See Appendix Two for a summary.

<sup>49</sup> Section 28(1) of the Reserves Act (appointment to control and manage). The local authority can also expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified, s28(1) Reserves Act.

49. The functions of administering bodies include<sup>50</sup> to ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve **for the purpose for which it is classified**<sup>51</sup>.
50. There is a high standard expected of administering bodies to “ensure” the use, enjoyment etc. of the reserve and also a clear focus on the specific purpose for which a reserve has been classified. This should guide the Council in any decision making about the reserve, the huts and the community living in the huts, particularly the term of any licence.
51. **Summary:** Given the purpose of the reserve is a “hut settlement”, and given the Council must ensure use and enjoyment of the reserve for the purpose for which it has been classified, in the absence of justifiable reasons to grant a shorter or finite term, the Council should grant a licence for a term consistent with the continued existence of the hut settlement.

#### (v) Options

52. Following the July 2024 Council meeting where Council resolved to engage with the community to develop a proposal concerning future licencing arrangements, consultation was undertaken and included four licence holder meetings, four Committee meetings and five drop-in sessions with other residents<sup>52</sup>. The range of options Councillors considered were:
- (i) Option 1: Fixed year term less than 33 years with clear retreat conditions.
  - (ii) Option 2: Triggers with a fixed term (e.g. environmental factors determining relocation)
  - (iii) Option 3: Triggers with no end date, relying on environmental conditions.
  - (iv) Option 4: 5-year rollover.
53. The majority of councillors supported Option 2 (Triggers with a fixed-term duration). The duration discussed leaned towards 20-33 years with transfer options to be made clear prior to the end date to provide certainty for the community.
54. Given:
- (i) Council is not bound by any finite licence term under the ROLD Act or the Reserves Act;
  - (ii) The Reserves Act indicates a licence for more than one term of 33 years can be granted, with no specific end date;
  - (iii) Council is not bound by its 2019 Resolution to only consider a finite term;
  - (iv) The purpose of the local purpose reserve is “hut settlement”, which includes the notion of a community of people living together;
  - (v) There are specific historic values of the reserve relevant to consider, which includes a focus on the community;

<sup>50</sup> In accordance with the Act and the means at its disposal

<sup>51</sup> Section 40 Reserves Act.

<sup>52</sup> Public excluded Council Workshop 5 February 2025.

(vi) A function of the Council is to ensure the reserve is used and enjoyed for the purpose for which it is classified;

(vii) Council must consider the dual purposes of the LGA 2002 and recognise the diversity of the Upper Selwyn Huts community<sup>53</sup> and promote the social, economic and cultural well-being of that community both now and for the future<sup>54</sup>.

(viii) Given the reserve purpose is "hut settlement", and in accordance with the broader purposes of the Local Government Act 2002, in the absence of justifiable reasons to grant a shorter or finite term<sup>55</sup>, Council should grant a licence for a term consistent with the continued existence of the hut settlement;

~~55. Residents seek a licence term of 30 years with rights of renewal for further terms of 30 years, subject to environmental triggers (specific triggers to be agreed). Residents seek Option 3 from the July 2024 Council meeting be added as Option four to the options to be consulted on<sup>56</sup>. Option 3 seems the most appropriate:~~

~~Triggers with no end date, relying on environmental conditions.~~

#### **B. Significance and Engagement**

*Confirm this issue continues to be classed as "significant", as classified in 2024 by Council.*

56. It is unclear why Council staff consider this issue is now "moderate". The circumstances surrounding the categorisation of the issue as "significant" in 2024 have not changed, so the categorisation should stay the same. This means the Special Consultative Procedure should be used/continue to be used and more time is needed for that. Kirrily Fea will talk about this in more detail.

Clare Lenihan



Barrister

<sup>53</sup> Being a New Zealand community, as set out in section 3 Local Government Act 2002

<sup>54</sup> Section 10(1)(a) Local Government Act 2002

<sup>55</sup> E.g. flooding, climate change, health and safety, persistent breach of fundamental terms and conditions of Licence

<sup>56</sup> Section 5.2 of the Council Agenda.



#### Appendix One – Section 61 Reserves Act 1977

##### Section 61 Powers (including leasing) in respect of local purpose reserves

(1) The administering body of a local purpose reserve may, in the exercise of its functions under section 40, do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.

(2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the Public Bodies Leases Act 1969.

(2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

- (a) community building, playcentre, kindergarten, plunket room, or other like purposes;
- (b) farming, grazing, cultivation, cropping, or other like purposes.

(2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:

- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines;
- (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

(3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

## Appendix Two – Heritage Values

1. USH obtained a Statement of Significance from Under Over Architecture Ltd (UOA), in relation to the heritage values of the USH. Findings in the report included:
  - a. the USH have significant architectural values and increasingly high rarity values.
  - b. the USH are highly representative not only of early fishing hut communities but small New Zealand holiday spots.
  - c. taken as a whole the USH retain a high degree of integrity, which is not necessarily tied to the structure of individual buildings, but to the historic identity of the community as a whole.
  - d. the group value of the USH is integral to its heritage significance.
  - e. the current owners and occupiers retain a particularly high sense of esteem for the historic values of the settlement and form a united community.
  - f. the USH community retains significance for the families, owners and occupiers; and
  - g. the USH are extremely vulnerable given the Council is seeking to terminate the leases to the land on which the community is built.
2. UOA recommends<sup>57</sup> that because of the heritage values the Upper Selwyn Huts:
  - a. remain on their current site.
  - b. are entered on Heritage New Zealand Pouhere Taonga's (HNZPT's) List/Rārangi Korero as a historic area; and
  - c. are added to SDC's District Plan heritage schedule.

<sup>57</sup> UOA also notes that HNZPT is opposed to the demolition of historic buildings, except for cases where it is unavoidable due to the structure being beyond repair. Demolition is viewed as inconsistent with sustainable management of resources and as an irreversible removal of cultural heritage that is often regretted in the future.

If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

Selwyn Huts have never flooded. so what is your problem. It is on a flood plane and water from the Selwyn River will disappate across flat land and will not effect the condition of any roads unlike Leeston & Dogston

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☐ Yes ☐ No

Please add your comments:

If the council decide to remove this settlement/subdivision they will be paying not the residents

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☐ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☐ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

There will be no inspections unless every property in the Selwyn district is on the same program

Do you think the checklist covers the right things?

☐ Yes ☐ No ☐ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:



## Appendix A. Condition inspection checklist *If applicable*

### Upper Selwyn Huts - Hut Condition Inspection

*+ all residents, owners in the Selwyn District*

#### Property details

Valuation number		Legal Description	
Physical Address			
Ratepayer Names		Contact Number	

	Yes	No	N/A	Reasons for Decisions/Notes
<b>Desktop Review Building</b>				
Property file review completed prior to hut inspection to review property records held (if any)				
Note any relevant information on consents and related compliance information / outstanding CCCs, etc.				
<b>Desktop Review Compliance</b>				
Property file review completed prior to hut inspection to review property records held (if any)				
Note any relevant information on resource consents and related service requests, etc.				
Note any additional resources identified as being required to carry out site visit? (eg: Food and Health, etc)				
Communication- appointment / visit advised/agreed				
Date condition inspection carried out				
<b>Lot Condition</b>				
General (state of trees/vegetation)				
Vehicles present				
Hoarding / rubbish / etc present				
Hazardous substances present				
How to assess notional boundaries				
Photos of all elevations of hut and surroundings (allow for 6 photos max.)				
<b>Building Condition – External</b>				
Stormwater being collected and discharged appropriately				
adequate space and vents to timber floors to ensure proper ventilation and protect from damp and decay.				
Floor level in relation to ground level				
Foulwater drainage – all sanitary appliances connected to the sewage system, gully traps have grills, appear to be in working order, no signs of overflows, etc.				
External weathertightness – roof and walls – sound, durable, weatherproof, and maintained.				

Condition of ancillary structures (eg: tank stands, sheds, etc)				
Access decks / steps				
RMA / Bylaws / Health / Animal Compliance				
Hoarding				
Vehicles and parking / storage (incl. boats, trailers, etc)				
Storage of hazardous substances				
Animals present				
Business or commercial activity/use observed				
Signage / advertising				
Other				
Hut Condition Summary				
Further Actions Required				
Do any of the identified building non-compliances need rectification? (if yes, follow the NTF SOP)				
Do any of the identified non-compliances/issues trigger Councils dangerous, affected, or insanitary buildings policy (if yes, follow the DAI SOP)				
Do any of the identified RMA/bylaws/health/animal non-compliances need rectification? (if yes, create service request and follow legislative requirements)				

**Notes:**

For the purposes of conducting condition inspections the [Housing Improvement Regulations 1947](#) will be used as the baseline requirement given the age of the majority of buildings predate the NZ Building Code (1992). Where recent building consents have been granted the condition of the building will be assessed against the relevant consent.

The condition survey is not intended to assess the hut for the purposes of rental accommodation.

## Submitter Number: 207

**Full Name:** Sheila Chappell

**Organisation:**

**Wish to speak to the submission:** Not Stated

---



**From:** [REDACTED]  
**To:** [Selwyn Huts; Submissions](#)  
**Subject:** Fwd: Submission – Upper Selwyn Huts Licence Consultation  
**Date:** Monday, 21 July 2025 4:53:19 PM

Some people who received this message don't often get email from sheilachappellnz@gmail.com. [Learn why this is important](#)

Sheila Chappell [REDACTED]  
[REDACTED]

21/7/2025

Email: [huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz); [submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz)

I am making this submission on proposed changes to the Upper Selwyn Huts Licence Agreement as a citizen of New Zealand and long-time resident of the South Island. I have visited the Canterbury area and Selwyn District many times throughout my life, both personally and professionally, and feel strongly that the residents of the Upper Selwyn Huts deserve fair, equitable, and lawful treatment under all local and national frameworks. I submit on the issues raised in Council's consultation documents as follows.

#### **1. Licence term and early termination conditions**

I strongly oppose the proposed non-renewable licence terms and early termination clauses. Many huts date back to the 1800s and have been maintained over generations. Current owners purchased these dwellings in good faith and with no indication that their occupancy would be time-limited.

The use of specific environmental triggers, such as flooding or road access loss, as grounds for early termination is unjust. Other residents of Selwyn also live in flood-prone areas, yet are not subject to such unique and punitive conditions. This creates unequal treatment which is inconsistent with the Local Government Act 2002, which requires decisions to be consistent, transparent, and equitable across the district.

#### **2. Bond requirement**

I oppose the introduction of a bond to fund the future removal of huts. There is no precedent in New Zealand for charging current land users for the speculative dismantling of historic dwellings, particularly when those dwellings were purchased without any disclosure of such obligations.

Imposing this financial burden retroactively appears not only unfair but potentially unlawful. The Council should manage any future land remediation needs through appropriate

infrastructure or district planning, not by targeting a specific, longstanding community.

### **3. Building condition inspections**

I oppose scheduled or routine building inspections unless prompted by a complaint or clear evidence of a risk. Council's Dangerous, Affected and Insanitary Buildings (DAIB) Policy confirms that inspections elsewhere in the district are only initiated in response to such concerns, not based on building age or location.

To introduce proactive inspections specifically for the Upper Selwyn Huts is inconsistent with this policy and creates a double standard. If Council believes inspections are necessary, they must apply equally across the district to all homes of comparable age or hazard exposure.

### **4. Legislative and legal framework**

Council's proposals must align with the following legal obligations.

- Reserves Act 1977: Allows Council to issue licences on reserve land but requires those terms to be reasonable and proportionate, with Ministerial consent.
- Local Government Act 2002: Requires local authorities to act in an open, fair, and accountable manner, serving the wellbeing of all communities while avoiding unjust treatment of any single group.
- Building Act 2004: Establishes rules for building safety but does not support site-specific regimes unless risk is proven.
- Resource Management Act 1991: Requires regional consistency in hazard and infrastructure planning, not reactive or isolated policies for specific communities.

### **5. Human rights and anti-discrimination protections**

Council must also consider its obligations under the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. Section 19 of the Bill of Rights guarantees freedom from discrimination. The Human Rights Act prohibits indirect discrimination, including situations where neutral policies disproportionately burden a particular group.

Residents of the Upper Selwyn Huts are predominantly older, lower-income, or part of long-established communities. Applying restrictions to them that are not applied to similarly exposed communities elsewhere in Selwyn could constitute indirect discrimination. These measures must be demonstrably justified and not disproportionate.

## **6. Fairness, equity and historic preservation**

The combined effect of the proposed policies — including non-renewable licensing, early exit triggers, bond payments, and building inspections — represents a targeted disadvantage that is not supported by consistent district planning or statutory obligation. This settlement has existed for generations and represents personal history, community resilience, and part of Selwyn's identity.

I respectfully request that Council:

- Maintain renewable licences for existing hut dwellers
- Abandon the retrospective bond requirement
- Apply inspection and hazard policies uniformly across the district
- Engage with the Upper Selwyn Huts community in a spirit of respect and partnership

Thank you for considering this submission.

Sincerely

Sheila Chappell

Sent from [Outlook for Android](#)

---

## Submitter Number: 208

**Full Name:** Claire Laurance

**Organisation:**

**Wish to speak to the submission:** Yes

---

**From:** [REDACTED]  
**To:** [Selwyn Huts; Submissions](#)  
**Subject:** Submission – Upper Selwyn Huts Licence Consultation  
**Date:** Monday, 21 July 2025 4:59:07 PM

Some people who received this message don't often get email from [claurance.nz@gmail.com](mailto:claurance.nz@gmail.com). [Learn why this is important](#)

Tēnā koutou,

My name is Claire Laurance, and I am currently a licence holder of a hut at Upper Selwyn Huts, which I inherited after the passing of my father. I am submitting this response to the Council's proposed licence changes.

I did not build or buy the hut. I took it on as a matter of family responsibility when my father died of cancer — a commitment none of my more financially secure siblings were willing to make. I have raised two children alone while working as a qualified engineer, and I now live with a chronic heart condition that has been seriously worsened by the stress this consultation has caused.

Council presents these proposals as part of a "duty of care," but in reality, they are actively causing harm. I am experiencing ongoing anxiety, health deterioration, and uncertainty about my children's only stable home — a place they know not as a "hut," but as their home and community. Council must understand that this process, and the way it has been implemented, is doing damage — not providing safety.

These are the key points of my submission:

1. The "duty of care" claim is causing harm, not preventing it:

The proposals have directly affected my physical and mental wellbeing. As others in the community have also publicly stated, the stress of losing our homes or being made to fund their removal is deeply traumatic. This is not care. This is coercion, and it is affecting lives.

2. Discrimination and unfair treatment of hut residents:

The proposals — including bonds, early licence termination, and proactive inspections — are not being applied to any other Selwyn residents, even those in flood-prone or similarly exposed areas. This treatment is unfair and likely breaches both the Bill of Rights Act 1990 and the Human Rights Act 1993, as it disproportionately burdens people like me: lower-income, single parents, and those with inherited dwellings.

3. No prior disclosure or informed agreement:

At the time I inherited this property, there was no indication that I would be subject to new, expensive, or limiting conditions. The bond, the non-renewable licence proposal, and the threat of forced removal all represent retrospective policy that I could not have known

about or planned for.

#### 4. Legal and procedural inconsistencies

Council's proposals appear to contradict several statutes and policies:

Local Government Act 2002 – requiring consistency, fairness, and community wellbeing

Reserves Act 1977 – requiring licence conditions to be reasonable and Minister-approved

Building Act 2004 – inspections are for buildings with identified safety risks, and not designed to be used punitively against whole communities

#### 5. Human rights implications

This process has had disproportionate impact on financially vulnerable, elderly, and chronically ill people in our community. These outcomes are in direct conflict with New Zealand's human rights obligations and principles of equity and care.

I request to be heard at the public hearing

I would appreciate the opportunity to speak directly to the Council about the effects this consultation is having on real people. Please confirm my request to speak and advise of the hearing process.

I ask that Council seriously reconsider these proposals and instead:

Remove the bond proposal entirely

Retain renewable licences for existing residents

Apply hazard and inspection rules equally across the Selwyn District

Stop treating this historic, close-knit community as an exception to be managed out

This process has already done harm. Please do not let it do worse.

Ngā mihi nui,  
Claire Laurance



## Submitter Number: 209

**Full Name:** Rodney & Kathleen (Kit) Power

**Organisation:**

**Wish to speak to the submission:** No

---

18/7 Pest

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH).

### Privacy statement

Submissions are part of the public consultation process and are a public record. Anonymous submissions will not be accepted. Submissions including names are published on our website and in official documents so please do not include any personal information in the content of your submission you would prefer to be kept private.

While contact details (address, phone number and email address) are provided to elected members along with your feedback to be considered when making their decisions, contact details will not be made publicly available on the Council's website or official documentation.

If someone requests a copy of submissions through the Local Government Official Information and Meetings Act 1987, name and contact details must be supplied. If you have good reason as to why your personal details and/or feedback should be kept confidential please contact [huts@selwyn.govt.nz](mailto:huts@selwyn.govt.nz) outlining your reasons.

If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

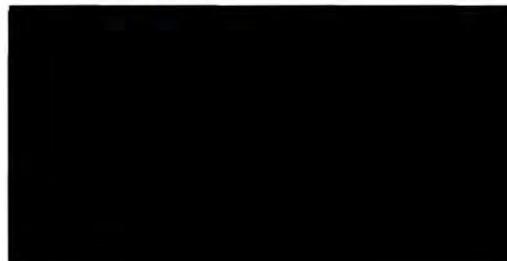
All submissions will be considered by Council before making a decision.

### Submitter details

Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.

First name\* Rodney + Kathleen (Kit)

Last name\* Power



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

If yes, someone will be in contact with you to arrange the date and time.

What is your connection or interest to Upper Selwyn Huts?

- ☒ I am a licence holder  
☐ I am not a licence holder but live at Upper Selwyn Huts  
☐ I have an interest in this area. Please explain:

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below.

☐ Fixed term of 5 years  
No renewal.

☒ A single fixed term of 30 years  
~~No renewal.~~ *Agreed. Can be renewed.*

☐ Rolling 10-year terms  
with the ability to renew, up to a maximum of 30 years total (i.e. 10 + 10 + 10 years).

Please explain the reason for your selection:

*We have selected this option as we feel to pay for the 30% of sewer connections and add ons over a shorter period of time + repairs to pipe work existing around our settlement unsustainable to most residents.*

Do you have any other feedback?

☒ Yes ☐ No

Please add your comments:

*We were happy to contribute to the pipeline, but it is more than the pipeline there are the odd on as well. Also I can not sign a license and agree to pay something that we don't even know the costs of ???*

### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

*100%* Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

☒ Yes ☐ No

Please explain your reason:

*If we get a particularly bad weather bomb, like is happening all over central country all areas we are going to be cut off, doesn't mean the dwellings flood.*

Are there any additional events that you think should be considered?

☐ Yes ☐ No

Please add your comments:

*we have excellent Civil defence team, that work well.*



If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

I would like to know what the council are doing to prepare for events beyond our control where you are going to have displaced people, you cannot keep making it someone else's responsibility. This is a issue all over the country and it is going to come back and bite.

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

Depends very much on how you intend to collect this contribution Lump sum? over time

Do you have any other feedback or suggestions on the inclusion of a bond?

☒ Yes ☐ No

Please add your comments:

Maybe it would be better to collect bond to be paid back when forced to leave, <sup>as lot of</sup> people don't have enough to feed themselves let alone having savings for bond rent etc. elsewhere. (Not your Problem never is.)

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

- ☐ Every year ☐ Every 2 years  
☐ Every 3-5 years  
☒ Only when there's a complaint or issue raised  
☐ Other

Please add your comments:

I think an Issue with sections overgrown, hording vehicles ect things that can be a fire danger need addressing. If a Health Issue that occurred medically to residents.

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

(rats) ect.

Please specify what you would change:

Some things yes. external Checks not a problem you need to be able to check this.

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

We as a Community have bought Issues to you in the past that needed addressing and nothing has been done.

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments:

With Common Sense Please.

Rod + Kit (Kathleen) Preece

To the people and the Council Members working in Selwyn. I am writing this letter to go with Submission as I think all of you need to reflect on what is happening here. So many half truths and information glossed over, as an owner of a dwelling at the Selwyn Hal Village since <sup>July</sup> 2000, never once have our rates or Licence fee been late and always been paid in full. During our time Rod has been on the Committee, we have been in the Civil defence for a while as coordinators.

I like to think we worked with the council during the Earthquakes, helping those that needed to move from their homes in wider Christchurch also when flooding has occurred at lower Selwyn huts. I can only hope we were of some assistance. Also working along some really lovely people keeping a social club going and with a lot of help our New Year Gala for the Community.

In 2008 we were well aware of the need to do something about resource consent on our sewer and we wished then to go onto the wider selwyn Rate and start paying yearly in our rates to build up money already <sup>needed</sup> paid ~~before~~ if this had happened we would have contributed a considerable amount of the costs now incurred. Many a time we thought something was happening, but what really was happening it had been decided to have us all leave. The original Licence I signed, was very simple and you were vetted before you could buy a dwelling, as to your suitability. If you paid your Licence rates, kept the place in good repair and grounds tidy didn't cause any disturbances. Your Licence then issued 5 yearly would roll over for another five years. There were three different rates of payment as some people only there holiday time, some could stay nine months of the year but had to leave for three months consecutively. There were 12 dwellings that could be permanently resided in, if you wished to be considered for this you went on a waiting list after you had owned your property for five years. We did this and where the last people to be granted permanent ~~residence~~ residency.

After the the Earthquakes things changed as people needed places to stay and there dwellings out here became permanent homes to a lot.



The Licence ~~is~~ now is a far Cry from what I signed pages and pages of stupidity and conditions.

I challenge you all to go out to the Selwyn hut Village and mingle a lot of information the wider Selwyn district has been given is not accurate, and has been proven to be wrong.

Why do you want our homes? there is a lot more here than we are being told.

I look at this Consultation document and shake my head. Our place was originally bought in by traction engine and dumped on the ground. The floor was added then on the ground. Over time before we bought things had been added altered improved.

Our home today is dry, no mold no issues as we have kept up with the maintenance on our home.

At 73 + 82 we should be able to sell what we have and now move on with our lives, with all this going backwards and forwards there is no certainty for anyone people bought places at good money just months before it came to light about the finite clause sneakily added in 2019. Why was it not apparent when transfers of Licences were done. We have some beautiful families + Children out here that enjoy a freedom other children don't get. Community Gardens and people share and look after one another; you actually know your neighbour..

I can only say what goes around comes around. at the end of the day we all have to be able to sleep at night.

[REDACTED] [REDACTED]  
Rod + Kit Pauer. Hobart



## Submitter Number: 210

**Full Name:** Samuel Modée

**Organisation:**

**Wish to speak to the submission:** Not Stated

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**From:** [REDACTED]  
**To:** [Selwyn Huts; Submissions](#)  
**Subject:** Submission – Upper Selwyn Huts Licence Consultation  
**Date:** Monday, 21 July 2025 4:46:10 PM

Some people who received this message don't often get email from [samuelmadee@gmail.com](mailto:samuelmadee@gmail.com). [Learn why this is important](#)

Dear Councillors,

I am writing to submit my views on the proposed changes to the Upper Selwyn Huts Licence Agreement. While I am a Swedish citizen and do not currently live in New Zealand, I have a strong personal connection to this area through my fiancée, who owns one of the huts. She has lived there on and off over the years, and the hut was previously owned by her father, so it holds deep family significance for us. I have visited the area myself and understand how important this community is to the people who call it home.

I am concerned about the fairness of the proposed changes and would like to comment on several key issues:

*1. Licence terms and termination conditions*

I am strongly opposed to making the licences non-renewable and adding early termination clauses. Many of these huts have been in families for generations, with people buying them in good faith believing they had secure rights. The proposed environmental triggers for early termination, like flooding or road access problems, create unfair treatment since other Selwyn residents in similar areas don't face these restrictions.

*2. Bond payments*

I object to requiring hut owners to pay a bond for future removal costs. This seems unprecedented and unfair - introducing this requirement after people already own their properties appears both unjust and possibly illegal. The Council should handle future land management through normal planning processes, not by targeting this one community.

*3. Building inspections*

I don't support routine building inspections unless there are actual complaints or clear safety concerns. Creating a special inspection regime only for the Upper Selwyn Huts is inconsistent with the Council's own policy elsewhere in the district and seems discriminatory. If such inspections are needed, they should apply equally to all older homes in similar situations.

*4. Legal concerns*

The proposed changes appear to conflict with several important laws; the Reserves Act requires reasonable licence terms, the Local Government Act requires fair treatment of all communities, the Building Act doesn't support location-specific rules without proven risks, and the Resource Management Act requires consistent regional planning rather than targeted policies for specific communities.

*5. Discrimination issues*

I'm also concerned these proposals may violate anti-discrimination laws under the New Zealand Bill of Rights Act and Human Rights Act. The hut community includes many older people, those on lower incomes, and families with long ties to the area. Applying restrictions to them that don't apply to similar communities elsewhere could be indirect discrimination that isn't properly justified.

*6. Overall fairness*

When you look at all these proposed changes together - non-renewable licences, early termination triggers, bond payments, and special inspections - it creates a pattern of targeting one small community unfairly. This settlement has existed for generations and is an important part of both personal family histories and Selwyn's heritage.

I respectfully ask the Council to:

- Keep the current renewable licence system for existing hut owners
- Drop the bond requirement
- Apply building and hazard policies consistently across the whole district
- Work with the hut community as partners, not as problems to be solved

Thank you for taking the time to consider my submission.

Regards,  
Samuel Modée

---

## Submitter Number: 211

**Full Name:** Johnson Tatana

**Organisation:**

**Suburb:** Springston

**Wish to speak to the submission:** No

---

21/7 post

## Submission form

Selwyn District Council is conducting a public consultation to seek feedback on four terms that are proposed to be included in a new Deed of Licence for Upper Selwyn Huts.

Feedback from this consultation will help determine what a new Deed of Licence will look like for licence holders, and give certainty and clarity to the future of the Upper Selwyn Huts settlement.

Please read the consultation document and information available online at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH) before completing your submission.

You can make a submission using this form and dropping of off at a Council Library or Service Centre by 5pm, 21 July 2025. Or you can complete the online submission form at [selwyn.govt.nz/USH](https://selwyn.govt.nz/USH).

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If you need extra space for your submission, or have supporting documentation, you can use additional paper and attach it to this form. If you are using the online submission form you can upload an attachment with your submission.

Please include your first and last name on the additional paper.

Anyone can make a submission. Submissions will only be used for the purpose of this consultation process.

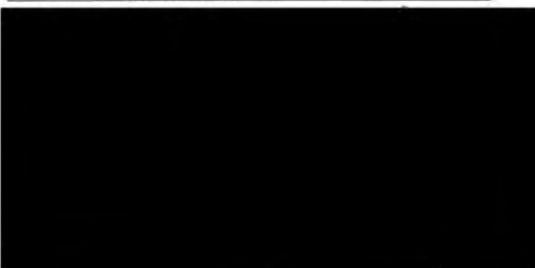
All submissions will be considered by Council before making a decision.

### Submitter details

*Please note: all fields marked with an asterisk (\*) are compulsory. These details will be used for the purpose of contacting you about this consultation.*

First name\* JOHNSON

Last name\* KATANA



Are you submitting on behalf of an organisation?\*

☐ Yes ☒ No

If yes, please state the name of the organisation\*

Do you wish to attend a hearing to present your submission in person?\*

☐ Yes ☒ No

*If yes, someone will be in contact with you to arrange the date and time.*

What is your connection or interest to Upper Selwyn Huts?

☒ I am a licence holder

☐ I am not a licence holder but live at Upper Selwyn Huts

☐ I have an interest in this area. *Please explain:*

☐ Other: \_\_\_\_\_

## Questions

### 1. Licence term options

Council is seeking feedback on three different options for how long future licences should last. Please select your preferred licence term from the options below

- ☐ Fixed term of 5 years  
No renewal.
- ☐ A single fixed term of 30 years  
No renewal.
- ☒ Rolling 10-year terms  
with the ability to renew, (up to a maximum of 30 years total) (i.e. 10 + 10 + 10 years).  
J.T.

Please explain the reason for your selection:

DO NOT AGREE WITH  
MAXIMUM OF 30 YRS

Do you have any other feedback?

- ☐ Yes ☒ No

Please add your comments:

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### 2. Environmental events for early licence end

Council's priority is the safety and wellbeing of people in the community.

Therefore, Council is proposing to include a new condition in the Deed of Licence that would result in a licence term ending earlier than expected if serious environmental events, like flooding or land movement, make the area unsafe to live in or too expensive to maintain. In some cases, it also might not be possible or affordable to rebuild roads or other infrastructure if they are badly damaged after a significant event.

We are asking for your feedback on three possible events where this could happen.

#### 1. Flooding affecting access:

Flooding that cuts off vehicle access to the huts for more than 24 hours, twice in a 12-month period. "Cut off vehicle access" means where emergency services cannot reach the area.

#### 2. Destruction of road cutting off vehicle access:

A natural event that causes sufficient damage that vehicle access to the settlement is cut off.

#### 3. Serious harm caused by a flood event:

Any flooding event that causes serious injury or fatalities within the settlement.

Are there any of the proposed events you disagree with?

- ☒ Yes ☐ No

Please explain your reason:

ALL - NO ONE CAN CONTROL  
WEATHER EVENTS!

Are there any additional events that you think should be considered?

- ☐ Yes ☒ No

Please add your comments:

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If one of these events were to happen, what would you want Council to consider when deciding what happens next?

Please add your comments:

ACT SENSIBLY AND  
ACCORDINGLY WITH  
COMMUNICATION

### 3. Bond requirements

Council is considering introducing a bond to contribute towards remediation responsibilities at the end of a licence term. This means the bond will only be used for returning the site to what it was before the hut was built.

Are there any situations where you think the bond requirement should not apply?

☒ Yes ☐ No

Please add your comments:

WHEN THE ENTIRE SELWYN  
DISTRICT AGREE TO THESE  
TERMS

Do you have any other feedback or suggestions on the inclusion of a bond?

☐ Yes ☒ No

Please add your comments:

### 4. Building condition inspection programme

Council is proposing to implement condition inspections with the new Deed of Licence. We are seeking feedback on the details of these inspections. Please review the condition checklist in Appendix A on the back page and provide your feedback to the following questions.

How often do you think condition inspections should occur?

☐ Every year ☐ Every 2 years

☒ Every 3-5 years

☐ Only when there's a complaint or issue raised

☐ Other

Please add your comments:

Do you think the checklist covers the right things?

☐ Yes ☐ No ☒ Not sure

Please specify what you would change:

If issues are identified during the inspection, what kind of support or communication would you expect from Council?

Please add your comments:

CIVIL COMMUNICATION

Do you have any other feedback about how inspections should be carried out, or how any issues found during inspections should be handled?

Please add your comments: