

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

South Rangitata Reserve Inc.....

Matthew Hall Secretary.....

[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

Proposed Timaru District Plan dated 22nd September 2022.....

[State the name of proposed or existing plan and (where applicable) change or variation].

I/could not* gain an advantage in trade competition through this submission.

[*Select one.]

~~I am/am not directly affected by an effect of the subject matter of the submission that~~

~~(a) adversely affects the environment; and~~

~~(b) does not relate to trade competition or the effects of trade competition.~~

[*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[†Select one.]

The specific provisions of the proposal that my submission relates to are: [Give details]

Set out in Section 10 and 10A of the Resource Management Act.....

OSZ R 2.2 Holiday Hut Precinct Activity Status Prohibited

OSZ R 10 Holiday Hut Precinct ...Restricted Discretionary..

OSZ -S3 Height of Buildings and Structures.....

OSZ -S4 Setback of buildings and structures

OSZ -S6 Site Coverage-35% limit.

C E – R 6 and CE -R12 Earthworks for natural hazard mitigation

works.....

NH-R1 and NH R3 and NH R9.and NHS2....The question is what the practical application of these rules will

mean?.....

My submission is: [Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]
- The plan should recognise that hut sites at the South Rangitata Reserve are fully develop. While the footprint of individual huts may from time to time change slightly, the overall layout has been the same for last thirty years – The duration of the Resource Management Act. The proposed District Plan is largely silent on the application of Sections 10, 10A and 20A that provides for Existing Use Rights. The question we have is - Does Existing Use have precedence over the use established in the District Plan and if so under what circumstances does the plan apply? e.g only new builds, work requiring consents etc. The ideal situation would be to make reference to existing use rights where they apply. There is confusion.
- OSZ R2.2 states in the Holiday Hut Precinct -The Activity Status is Non-Complying – We seek clarification on what this status means given the Rangitata huts has recreation as a gazetted purpose. We support this purpose which includes an annual sports day and fishing competitions – these

activities are temporary events and we suspect do not requiring a consent? Virtually all the recreational activity at the reserve is passive.

- OSZ R 10 Holiday Hut Precinct – We seek clarification on where on the Rangitata Reserve restricted discretionary status applies? Presumably elsewhere the activity has a status of non-complying. Is this correct? Some maps would suggest all the reserve is in a high hazard zone and therefore the whole reserve would be non-complying? We would object to this. We would like to think restricted discretionary status applies to most of the reserve.
If a resident is a permanent resident, are they still considered to be part of the Holiday Hut Precinct? Do different rules apply to permanent residences under the plan?
- OSZ-S3. The height limit of 4 metres in the Holiday Hut precinct is limiting given one of the mitigation measures could be to raise the floor level of a hut. The existing profile of some of the existing huts would exceed four metres. We require flexibility in the plan to allow height limits greater than four metres if existing use and flood mitigation measures are applied.
- OSZ -S4. Building Setbacks. Some huts would not be 5 metres from boundaries and given the history and development of the Rangitata Huts reserve this rule was never contemplated when buildings were first erected. It is presumed lane ways are not construed as roads and the building set-back for lane ways is 1.5metres and not 5metres. As stated in an earlier submission the huts came first and there were no hut site boundaries. Boundaries and sites came later and building setback rules even later than this. Existing Use and historical boundaries and existing setbacks should have some relevance when considering building setback rules at the South Rangitata Reserve.
- OSZ -6 Site Coverage Again a rule of 35% site coverage was never contemplated when the reserve was first settled and under existing use there would be a number of sites where this criterion has not been met. The criteria should also include historical use of a site, owner's comfort, and enjoyment as well as public benefit.
- C E -R6 and CE – R12 We are sure where mitigating Coastal Erosion and Inundation fits within the plan. There needs to be a planned approach involving affected parties to any mitigation measures. There is a range of work that could be undertaken at the Rangitata Reserve that would prolong the life of the Hut Precinct. We approve CE-R6 if it facilitates this work. It would be concerning to us if the application of CE – R12 resulted in a layer of costly bureaucracy before what in some case would in reality be minor repair or mitigation works.
- NH-R1 and NH R3 and NH R9 and N H S 2. On the face of it the plan appears to accommodate works in mitigating the adverse effects of coastal inundation and coastal erosion. Any works would naturally require the approval of The Timaru District Council and Environment Canterbury. Because this would be vital in protecting the assets at the Rangitata Reserve a concern would be if the compliance costs outweighed the cost of any works. Where work is of a minor nature our hope is that permission would readily be granted. We favour a plan for such works that sets priorities with such a plan fitting in with the Timaru District Council's plan.

I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

- Clearly identify where existing use rights apply under Section 10 and 10A of the Resource Management Act.
- OSZ R2 Non complying status does not applies to any of the existing recreational activities at South Rangitata Reserve
- OSZ-R10 Where, if anywhere on the South Rangitata Reserve does Restricted Discretionary Status apply? Meeting Non-Complying status consent requirements may be too onerous. Existing Use, Mitigation of risks and shorter term fixes should be allowed under restricted discretionary.
- OSZ -S3. Building height restriction of 4metres do not accommodate existing use or raised floor levels
- OSZ -S4. Object to building setback rules if they do not accommodate existing use or the ability to best utilise a hut site given size and location.....
- OSZ -6. Object to site coverage rules if they do not accommodate existing use or the ability to best utilise a hut site given size and location.....
- CE -R6 and CE – R12. CE 6 is agreed subject to clear interpretation and CE 12 agreed subject to the higher consenting threshold of Restricted Discretionary not adding hugely to compliance costs.
- NH-R1and NH R3 and NH R9.and NHS2....Object only if protection works on the South Rangitata Reserve or neighbouring coastal or river margins are not provided for, otherwise approve.
- Where in the plan does mutually agreed, orderly exit and relocation of huts fit?
- We would like to see the reserve immediate west of the reserve included in the Open Spaces Zone.

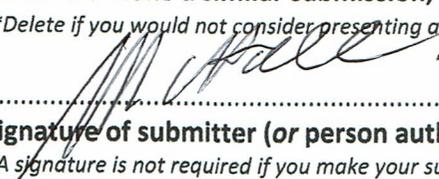
I wish (or do not wish) † to be heard in support of my submission.

*[*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*

[†Select one.]

***If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

*[*Delete if you would not consider presenting a joint case.]*

.....
Signature of submitter (or person authorised to sign on behalf of submitter)

[A signature is not required if you make your submission by electronic means]

Date 28th March 2023.....

Electronic address for service of submitter:

mchadhall@xtra.co.nz.....

Telephone:

033084897

Postal address (or alternative method of service under s352 of the Act):

11A Carters Terrace Ashburton 7700.....

Contact person: *[name and designation, if applicable]*Matthew Hall.....

Note to person making submission

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - It is frivolous or vexatious:
 - It discloses no reasonable or relevant case:
 - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - It contains offensive language:
 - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.

From: [Matthew Hall](#)
To: [Megan Geng](#)
Subject: Proposed Timaru District Plan - 22nd September 2022 - South Rangitata Reserve Inc.
Date: Tuesday, 28 March 2023 8:39:35 pm
Attachments: [CCF28032023_0002.pdf](#)

Hi Megan,

While the original submission provided comments on the current Timaru District Plan a number of the comments remain relevant to the Proposed Plan date 22nd September 2022. We would take this opportunity of thanking you for the chance to further submit on the current proposed plan. By doing so you show you are very genuine in canvassing for as much public feed back as possible. We have found the task of commenting on the proposed plan a difficult one and we thank you for helping us along the way. We may be off the target in a number of points and always stand to be corrected. Our interest is to see the reserve retained in a viable form for as long as possible because the place means so much to so many people. Hopefully points in the attached submission can be considered.

Kind Regards,
Matthew Hall

From: [Megan Geng](#)
To: [Matthew Hall](#)
Subject: Submission on the Proposed Timaru District Plan - South Rangitata Reserve - Att Matthew Hall
Date: Wednesday, 22 March 2023 10:46:22 am
Attachments: [image863029.png](#)
[South Rangitata Reserve Inc \(1\).pdf](#)
[636102-Template-Form-5-Submission-on-proposed-plan.-change-or-variation.pdf](#)

Hi Matthew,

Thank you for your submission and participation on the public consultation process.

We noticed that your submission has been made to the wrong Plan. The provisions referred in the submission are from the operative District Plan, other than the proposed District Plan. In addition, the submission indicates that the submitter will gain advantage in trade competition through this submission. Please note that submitters who can gain advantage in trade competition are not eligible to make a submission. Attached the submission received for your reference.

Should you wish to make another submission on the Propose District Plan, please complete your submission on the attached form by Wednesday 29 March 2023. Please note as the new submission is a late submission, its acceptance will be determined by the Hearing's panel in due course.

The proposed District Plan can be viewed at <https://timaru.isoplan.co.nz/eplan/rules/0/204/0/0/0/93>. For more information on the Proposed District Plan, please visit www.timaru.govt.nz/pdp.

Please do not hesitate to contact me should you have any questions.

Regards



Megan Geng | Team Leader Policy

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Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

South Rangitata Reserve Inc
Matthew Chadlow Hall - Secretary

[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

Notified Proposed Timaru District Council Plan

[State the name of proposed or existing plan and (where applicable) change or variation].

I could/could not* gain an advantage in trade competition through this submission.

[*Select one.]

~~*I am/am not* directly affected by an effect of the subject matter of the submission that~~

~~(a) adversely affects the environment; and~~

~~(b) does not relate to trade competition or the effects of trade competition.~~

[*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[*Select one.]

The specific provisions of the proposal that my submission relates to are: [Give details]

Part B Natural Hazards – Issue 1 or 2. Policy 1. – In reference to Existing Use Rights.

Part B Natural Hazards – Issue 1. or 2. Policy 1. – in reference Rangitata Huts

Part D Recreation Zones – 5.3.1.3.1 Rules -Accessory Buildings

Part D Recreation Zones – 5.3.1.3.2 Rules -Modification to household units to reduce flooding

Part D Recreation Zones – 5.3.1.3.6 Rules -Replacement Units on a limited number of sites at South Rangitata Huts

Part D Recreation Zones – 5.3.1.3.6 Rules -100 -year Erosion Line at South Rangitata Huts

Part D Recreation Zones – 5.3.5.1 - Rules - Prohibited Activities in relation to South Rangitata Reserve

Part D Recreation Zones - 5.3.6.3 -Rules - Buildings and Structures set back 1.5 metres from site boundaries.

Part D Recreation Zones -5.3.6.4 –Rules - Setback 1.5 metres from rear boundaries and distance buildings across common boundaries not less than 12 metres.

My submission is: [Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]
- Part B Natural Hazards – Issue 1. or 2. Policy 1. – In reference to Existing Use Rights. **Support**
- Part B Natural Hazards – Issue 1 .or 2. Policy 1. – in reference Rangitata Huts **Oppose the policy statement 'that the Rangitata Huts settlement is built on part of the riverbed and the Rangitata River could change its course in a major flood. Further physical works such as stop banks are sometimes not effective solutions because they are expensive and are only designed to limited standards.'**
- Part D Recreation Zones – 5.3.1.3.1 Rules -Accessory Buildings. **Qualified Support**
- Part D Recreation Zones – 5.3.1.3.2 Rules -Modification to household units to reduce flooding **Support**
- Part D Recreation Zones – 5.3.1.3.6 Rules -Replacement Units on a limited number of sites at South Rangitata Huts – **Oppose- amend**

- Part D Recreation Zones – 5.3.1.3.6 Rules -100 -year Erosion Line at South Rangitata Huts – **Oppose – amend**
- Part D Recreation Zones - 5 - Rules - Prohibited Activities in relation to South Rangitata Reserve- **Oppose**
- Part D Recreation Zones - 5.3.6.3 -Rules - Buildings and Structures set back 1.5 metres from site boundaries.- **Amend**
- Part D Recreation Zones -5.3.6.4 –Rules - Setback 1.5 metres from rear boundaries and distance buildings across common boundaries not less than 12 metres- **Amend**

Doc # 636102

I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

- Part B Natural Hazards – Issue 1 or 2. Policy 1. – In reference to Existing Use Rights. **Support on the basis that Reserve 5266 has been gazetted under the Reserves Act as a site for fishing huts and most structures have been on the reserve for more than fifty years and some one hundred years. It is assumed under General Rules the on-going maintenance of properties would be permitted.**
- Part B Natural Hazards – Issue 1 or 2. Policy 1. – in reference Rangitata Huts **Oppose the policy statement ‘that the Rangitata Huts settlement is built on part of the riverbed and the Rangitata River could change its course in a major flood. Further physical works such as stop banks are sometimes not effective solutions because they are expensive and are only designed to limited standards. The policy statement should read ‘That the Rangitata Huts settlement is built on a series of terraces that are elevated above the riverbed of the Rangitata River. During the state of emergency in December 2020 when the Rangitata River broke its banks in a major flood several households were flooded across the district not one property at the South Rangitata Reserve was flooded. In living memory (120 years) no major flood has caused the Rangitata river to change its course and to destroy any of the huts in the Rangitata Hut settlement. Even when the South Branch of the river use to flow there were several river terraces that directed the flows back into the main river well above the hut settlement. Stop banks and willow plantings are mitigation measures that have worked and in the last fifty years the Rangitata River has progressively moved north and away from the huts.**
- Part D Recreation Zones – 5.3.1.3.1 Rules -Accessory Buildings. **Qualified Support. The qualification is that the rule is a guide rather than a demand. Accepted that it would meet most circumstances.**
- Part D Recreation Zones – 5.3.1.3.2 Rules -Modification to household units to reduce flooding **Support**
- Part D Recreation Zones – 5.3.1.3.6 Rules -Replacement Units on a limited number of sites at South Rangitata Huts – **Oppose- amend. The rule does not identify all the huts sites at the Rangitata Reserve and should do so. Replacement units should be a discretionary activity at the northern end of the reserve and these sites should be listed in the rule.**
- Part D Recreation Zones – 5.3.1.3.6 Rules -100 -year Erosion Line at South Rangitata Huts – **Oppose – amend. The 100-year erosion line appears to be arbitrarily set. It follows no discernible land feature and is just as likely to be in the wrong place as the right place. To set a rule that denies the gazetted purpose based on a guess is wrong particularly when the effect of the guess is 100 years away. It is agreed if a hut is lost because of coastal erosion, a flood, tsunami, or other coastal hazard that replacement should be prohibited.**
- Part D Recreation Zones - 5 - Rules - Prohibited Activities in relation to South Rangitata Reserve- **Oppose -To not accept or discuss a consent application for a replacement unit based on something that may or may not happen in 100 years is wrong. No opportunity is given to consider mitigation or a change in the political landscape regarding Coastal Hazards. Given the high degree of uncertainty Non-Complying would be a more appropriate status that Prohibited.**
- Part D Recreation Zones - 5.3.6.3 -Rules - Buildings and Structures set back 1.5 metres from site boundaries.- **Amend To allow existing footprint of buildings given that many of the buildings were in existence before boundary lines were established and do not meet the setback requirements.**
- Part D Recreation Zones -5.3.6.4 –Rules - Setback 1.5 metres from rear boundaries and distance buildings across common boundaries not less than 12 metres- **Amend. To allow existing footprint of buildings given that many of the buildings were in existence before boundary lines were established and do not meet the setback requirements. If there are consenting parties and no disadvantaged parties is the rule necessary?**

I wish (or do not wish) † to be heard in support of my submission.

[*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]

[†Select one.]

*If others make a similar submission, I will consider presenting a joint case with them at a hearing.

[*Delete if you would not consider presenting a joint case.]

SOUTH RANGITATA RESERVE INC. *M. Hadhall* Secretary

Signature of submitter (or person authorised to sign on behalf of submitter)

[A signature is not required if you make your submission by electronic means]

Date 12-12-2022

Electronic address for service of submitter: mehadhall@extra.co.nz

Telephone: 03 3084897

Postal address (or alternative method of service under s352 of the Act):

11 A CARTERS TERRACE ASHBURTON 7700

Contact person: [name and designation, if applicable] MATTHEW HALL

Note to person making submission

- 1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
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- It discloses no reasonable or relevant case:
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- It contains offensive language:
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.

South Rangitata Reserve Inc

Submission on the Operative Proposed Timaru District Plan

Introduction

This submission refers to the rules in Part D of the District Plan that relate to Recreation Zone 1. These impact on the future of the Rangitata Huts and Reserve. This submission is made on behalf of the 93 hut holders who are financial members of South Rangitata Reserve Inc.

Specific Purpose.

Under the Reserves Act 1977 Reserve 5266 is gazetted as a Local Purpose (soil conservation and fishing huts). Under the Timaru District Plan the land is Zoned Recreational 1 and is the subject of a Management Plan which the council is required to prepare, under the provisions of section 41 of the Reserves Act 1977.

Reserve Management Plan was due for review in 2013

Section 41(4) of the Reserve Act 1977 requires the administering body of any reserve to keep its management plan under continuous review for the benefit of the purpose of the reserve and to adapt the plan to changing circumstances. Hut owners and other stake holders who have a vital interest in the reserve, are upset with the Timaru District Council for failing to provide adequate opportunity to participation in the development of the reserve and plans relating to the reserve. There has been a lack of focus on the reserves gazetted purpose.

Council's responsibility is it to mitigate the impacts of coastal erosion and inundation on the Rangitata hut settlement

A Council's function is set out in Sec 31b RMA - *"The control of any actual or potential effects of use, development or protection of land, including for the purpose of the avoidance or mitigation of natural hazards."*

The Management Plan fails to adequately address the agreeable, practical, and appropriate mitigation measures that could be used to address the impacts of climate change, coastal erosion, and inundation. Whatever measures used requires discussion, permission, funding, and planning.

The risk of inundation from the river and the sea has been with the reserve since the area was first settled and gazetted for fishing huts and is accepted as a fact of life in the same way as all the other risks in life. (Note – inundation from the river is not from an active braid but backed up water resulting from the strangulation of the river mouth caused mainly by low flows followed by higher flows which are restricted from entering the sea).

Because of the importance of managing risks at the reserve hut holders have independent of the Council been seeking help in managing them.

Role definition of Timaru District Council is not understood.

We would suggest that Council and ourselves do not fully understand the role of the Timaru District Council in managing Reserve 5266. We see they have a role to advocate in the interests of the gazetted purpose and to manage in the interests of the gazetted purpose. We are not sure that the Council takes this function seriously. Clause 2.1 of the hut leases states that the lessor covenants to manage the area in accordance with the Reserves Act. We take this as the landlord's responsibility. The Council cannot abdicate its responsibilities and walk away from the reserve (all or in part) and that is what the draft plan is telling us that they are doing. In a meaningful way the Council should talk to us before implementing any plan that affects the right to have a fishing hut at the reserve.

We have waited and had hoped that the Reserve Management Plan would have led to policy and rules under the District Plan rather than the other way around.

The District Plan is a huge document, and it embraces the whole of the Timaru District. For lay people it is hard to follow and interpret, whereas, while the Reserve Management Plan may pick up on district and regional policy and rules it is a document that focuses on the management of the reserve, and this is what hut holders want to discuss. Going forward we can see the Council hiding behind their District Plan or pointing to ECan policies when discussing the formulation of the Reserve Management Plan. Tricked and trapped would be the best way to describe a situation where notification and understanding of rule changes comes after and not before the rule changes.

The District Plan -Part B Natural Hazards – Issue 2 and 3. Existing Use Rights

The assumption in reading the District Plan is that the existing use rights conferred under sections 10, 10A and 20A of the Resource Management Act apply to all hut sites at the South Rangitata Reserve. The right to maintain an existing hut or a building (whether requiring a permit or not) surely is part of its existing use. The assumption is that this would be covered under General Rules?

Come and see what we mean.

Hazards.

- No one would argue that the Rangitata Huts are not at risk from one or more hazards. After all they are gazetted as fishing huts, and they are beside the river and the sea. The risks have existed since the time the reserve was first settled, and it is something that property owners accept and live with. Most of the reserve in the last hundred years has not been flooded and where flooding has occurred it has been temporary (ponding water) and no risk to life or limb. The area has never been flooded by an active braid of the river and this appears to be further away than ever given the northerly movement of the main river. In the last sixty years the main river has developed channels well to the north of the reserve to the point where under the Jobs for Nature and Rangitata Restoration project tens of thousands of dollars have been spent on what was once an active bed of the Rangitata in clearing and planting native plants in an area to the north of the huts.
- **Part B Natural Hazards – Issue 1 or 2. Policy 1. – in reference Rangitata Huts**
The following policy statement in the plan does not fairly or accurately reflect the nature of the hazard that the Rangitata river represents, ***‘that the Rangitata Huts settlement is built on part of the riverbed and the Rangitata River could change its course in a major flood. Further physical works such as stop banks are sometimes not effective solutions because they are expensive and are only designed to limited standards.’***
The policy statement should read **‘That the Rangitata Huts settlement is built on a series of terraces that are elevated above the riverbed of the Rangitata River. During the state of emergency in December 2020 when the Rangitata River broke its banks in a major flood and while several households were flooded across the district not one property at the South Rangitata Reserve was flooded. In living memory (120 years) no major flood has seen the Rangitata river change its course to lead it to destroy any of the huts in the Rangitata Hut settlement. Even when the South Branch of the river use to flow there were several river terraces that directed the flows back into the main river or into the Kapunatiki Stream, well away from the hut settlement. Stop banks and willow plantings are mitigation measures that have done their job.**

Part D Recreation Zones – 5.3.1.3.1 Rules -Accessory Buildings. While the rule limiting the size of accessory buildings is generally acceptable the question is why the limit when other factors dictate such as size of hut sites, positioning of the hut and place in question the need for the rule.

Part D Recreation Zones – 5.3.1.3.2 Rules -Modification to household units to reduce flooding. It is pleasing to see the plan make provision as a discretionary activity this mitigation measure. There are others measures the plan does not cover such as bunds and protective works.

Part D Recreation Zones – 5.3.1.3.6 The plan states '*Replacement household units (including holiday huts at South Rangitata Huts, Reserve 5266 on sites 1-7, 10-16, 19-23, 25-31, 34-39, 43-47, 51-56, 60-65, and 68-73 and on any part of site 8,17,24,32,40,48,50,57, and 66 which is entirely above the 100 year coastal erosion line, where the loss of all or part of the household unit is incurred by other than flood or coastal hazard (see scale map accompanying Map 20 in Volume 11).*' This rule does not identify all the huts sites at the Rangitata Reserve and should do so. Under the plan there is no provision for replacement units at the northern end of the reserve. It seems illogical that properties will be allowed under an existing use right yet the odd household unit that may be destroyed – say by fire – cannot not be rebuilt. Replacement units should be a discretionary activity at the northern end of the reserve and these sites should be listed in the rules. Realistically there is no more risk to life or limb than say in Temuka, Pleasant Point or many places across the district. What happens in the next hundred years is open to conjecture. For example, a recently released study predicts smaller swells along the East Coast and larger swells along the West Coast so it is all a bit of a guess. The greatest threat to property is seen as fire followed by inundation from the sea.

Part D Recreation Zones – 5.3.1.3.6 Rules -100 -year Erosion Line at South Rangitata Huts – The 100-year erosion line appears to be arbitrarily set. It follows no discernible land feature and is just as likely to be in the wrong place as the right place. To set a rule that denies the gazetted purpose based on a guess is wrong particularly when the effect of the guess could be as far as 100 years away. While the District Council and ECan may have used Oliver Engineering to assess the 100-year erosion line and therefore argue independence it is the actual rule wrapped around the line that we oppose. We agreed if a hut is lost because of coastal erosion, a flood, tsunami, or other coastal hazard that replacement should be prohibited but there are other reasons for loss such as fire that should not cause replacement to be prohibited.

Inundation lines have been drawn on maps that predict the impact of coastal erosion over the next 100 years and are seemed to be based on the premise that nothing is done to mitigate the erosion. We have a number of issues relating to the application of these lines.

1. Rules that are set now based on what may or may not happen in one hundred years is not a realistic approach. No one can accurately predict what may happen in 100 years' time.
2. What does the 10/20/30/50/75-year inundation line look like. Each year of occupation provides value to the reserve and helps meet its gazetted purpose. (fishing huts) Rules that deal with an immediate visible threat to property that take into account available protection or mitigation are far better than rules that set a one-hundred-year time horizon because they enable the enjoyment of the property over the intervening period of time.
3. Because the lines are theoretical and seem to lack consistency from map to map it is hard for us to accept that one line should be taken over another in making a rule. The drawing of a line does not make a rule, it is the Council that makes the rule.
4. A 10-year rule would be much clearer to anticipate and would fit into a plan much better than a 100-year rule. A hundred-year rule in a ten-year plan is a bit odd when it could be reviewed in ten years anyway and in ten years, we would be ten years nearer the one

hundred years and would be in a better position to assess the lines that should apply for the next period of time.

5 Part D Recreation Zones - 5 – The plan sets out the following rules as a prohibited activity for which no resource consent shall be granted:

5.1. Household units (including holiday huts) except where provided as a discretionary activity.

5. We oppose this rule -To not accept or discuss a consent application for a replacement unit based on something that may or may not happen in 100 years is wrong. No opportunity is given to consider mitigation or a change in the political landscape regarding Coastal Hazards. Given the high degree of uncertainty non-Complying, would be a more appropriate status that Prohibited.
 1. Hut holders do not agree that the whole of the northern area of the reserve should be treated as prohibited in replacing household units.
 2. It is inconsistent to have an existing use right which lawfully permits a household unit and to then have their replacement prohibited.
 3. Some of the sites at the northern end of the reserve have never, in living memory, been flooded or damaged by a natural hazard. It is hard to understand why an amended version of rule 3.6 cannot cover the whole of the Reserve?
 4. The council said it would sparingly use Prohibited Activity status, yet it has set a blanket rule at the northern end of the reserve. This rule is not consistent with the coastal inundation lines. Hut holders believe the blanket rule to prohibit consents is driven by convenience rather than realistically assessing the risk.
 5. A 100-year horizon is not a realistic time frame. A 10/20/50 year horizon, combined with hazard prevention work would better suit the amenity values provided by the status of the reserve.
 6. Over the years the council has cancelled some of the at-risk sites but have never offered alternatives sites or a relocation plan for the reserve. (Reference Part D clause 5.1.2.3 (1) of the plan)
 7. There are cost effective mitigation measures that have been used such as river mouth openings, some bund work and beach and lagoon clearance. In addition, there is a Civil Defence system and procedures in place. The issue we have is the lack of TDC initiatives that would better secure sites. Rules in the plan that Prohibit activity is seen as the Council managing from the bottom of the cliff rather than managing life at the top of the cliff which the gazetted purpose is about. Being able to protect property could save any damage and avoid the Council applying a prohibited activity rule.
 8. Hut holder do not agree that the partial repair or replacement of a household unit should be a prohibited activity on sites that are not specified under discretionary activity rule. Given that all household properties are aging at different rates and over different time spans it seems unrealistic to lock in a prohibition using a 100-year time frame for what is seen as continuous and ongoing maintenance and upgrade.
 9. The designation under the Reserves Act that the reserve is a site for fishing huts would suggest holiday baches rather than permanent homes. The council by not addressing this issue has allowed occupiers expectations to change, and some household units are now considered permanent residences. This was not contemplated when the reserve was originally settled. The concern is that this issue may be colouring rules around the status of property at the reserve.
 10. The Rangitata River is the subject of a Conservation Order and one of its outstanding attributes is its fishery. The fishing huts provide an outstanding value which should be the motivation to plan for their future. The Council seems to be risk averse and this is a negative approach when planning the future of the reserve.

11. There is a fear that the decision to prohibit the replacement of a household unit under the District Plan will impact on insuring property. On one hand the Council under clause 1.10 of the lease require adequate insurance of buildings and on the other hand they are saying replacement or consenting to repair is not an option. These stances are at odds with each other, and this is not acceptable.

Clarification is required on application of building rules at the Rangitata Huts.

- **Part D Recreation Zones - 5.3.6.3 -Rules - Buildings and Structures set back 1.5 metres from site boundaries.-** This rule should be amended to allow existing footprint of buildings given that many of the buildings were in existence before boundary lines were established and would not meet the setback requirements.
 - **Part D Recreation Zones -5.3.6.4 –Rules - Setback 1.5 metres from rear boundaries and distance buildings across common boundaries not less than 12 metres-** This rule should be amended. To allow existing footprint of buildings given that many of the buildings were in existence before boundary lines were established and do not meet the setback requirements. If there are consenting parties and no disadvantaged parties is the rule necessary?
1. In a planning sense the Council needs to recognise that site plans at the Rangitata came not before but after the establishment of most of the Huts. For this reason, not all sites are the same size nor do buildings necessarily fit within sites.
 2. In the early days hut owners were allocated a plot that was not set out on a map or a plan and in good faith they built to the specifications allowed at the time by the council.
 3. The Council developed a plan for the reserve after the sites had been built on.
 4. In discussions with the surveyor at the time of establishing the sites (he nearly gave up) it seems convenience was one of the deciding factors in peg placement. The buildings simply did not line up. At the time it was acknowledged some buildings were on or outside site boundaries. To placate hut holders who became concerned about the status of their buildings, boundaries were originally sold as a guide and buildings outside boundaries did not have to be removed. Up until this time, the Council appears to have understood the dilemma in the surveying of hut sites and have taken a reasonable and sensible approach in managing building set -backs from boundaries. Going forward the Council in their plan seems to be taking a more pragmatic approach to building rules around site boundaries and appears to be forgetting the history of the survey and the difficulties that prevailed.
 5. It is expected that existing use rights would cover existing accessory buildings regardless of the application of the rules under the plan.
 6. Some accessory buildings were never built to comply with a rule in a plan because the rule either wasn't there or wasn't enforced. Everyone at the Reserve currently seems happy with what they have constructed so any issue regarding accessory buildings rests with the Council not with the hut holders.
 7. Most hut sites front and back on to a lane way. The footprint of many buildings would either be close to or on a lane way boundary. An explanation is required as to the importance of the 1.5metre setback from site boundaries because the set-back seems to be of no use or purpose. – Refer Rule 6.3 and 6.4. Given the comparatively low usage of many laneways it is hard to understand the negative impacts buildings placed on boundaries would have on the lane way?
 8. There would be instances where insistence on boundary set-backs would greatly impose on the amenity value of a site because of the small size of the section. In our

view the plan should be about maximising the value of a site and minimising restrictions through the application of rules.

9. It is hard to see how the 12 metre rule would work on some of the sites.

Land Use and Climate Change.

Changes in land use and climate change have diminished the values attributed to the huts settlement at the South Rangitata Reserve. As a result of these changes the District Council in their District Plan are setting rules that have never been set and these will ultimately diminish the amenity values of the reserve.

- None of the land use or climate changes have been caused by or are the fault of hut owners.
- Many of the problems have been caused by the public at large, farming practices, and by national and local government policies that have resulted in the current adversity.
- It seems if the hut settlement is to survive, adverse effects on the environment must be recognised. We believe there are cost effective remedial actions that can and need to be undertaken.
- The Hut holders insist though that those people who cause the adverse effect should pay to remedy the damage that they have inflicted.

Right to be heard

- Most hut holders have no knowledge of the rules that the District Council in its plan are imposing upon them.
- If natural justice is to prevail, they should be told by the Council before the Council's confirms its plan.
- They should be given the opportunity to have their say and they should be listened too.
- The Council should be called to account for those opportunities and values they are taking away from them.
- The Rangitata Reserve is where hut owners, their friends and families spend their time, where they have invested their savings and for many the place is their piece of paradise. This needs to be understood.

South Rangitata Reserve Inc

Matthew Hall MNZM

Secretary

9th December 2022

