



USH COUNCILLORS WORKSHOP PUBLIC EXCLUDED

Date	5 March 2025	Time	1.30pm
Location	Training Rooms, Selwyn District Council		

Independent Facilitator: Chris Mene

Attendees:

Councillors: Mayor Broughton, Cr Reid, Cr Miller, Cr Epiha, Cr Hasson, Cr Mugford, Cr Gliddon, Cr Dean, , Cr McInnes, Cr Mundt and Miss M McKay

Apologies: Cr Gliddon

Staff: Steve Gibling (Executive Director People, Culture and Capability), Sharon Mason (Chief Executive Officer), Dominika Mitchell, (Senior Legal Counsel), Murray England (Head of Asset Management), Nathan Evans, (Building Services Delivery Manager), Vanessa Mitchell (Head of Building), Sarah Carnoutsos (Communications Manager), Allison Sneddon (Chief Financial Officer), Tim Mason (Executive Director Infrastructure and Property), Julie Hands (Head of Legal and Risk), Rebecca Phillips (Commercial Manager -Property and Investments), and Tina Van der Velde (Assistant to Executive Director People, Culture and Capability).

External attendees: Anna Joughin, (Environmental Planner Jacobs), Chris Mene (Independent Facilitator, Mene Solutions), Andrew Dark (Principal Engineer, Aqualinc Research), and Dan Meehan (Area Engineer, Central, Environment Canterbury).

Opening Comments

The meeting commenced with an acknowledgment of the high level of interest and concern in the community. Whilst this meeting is in Public Excluded session the intent is to as soon as possible release the information to the community.

To confirm content and direction for a statement of proposal for consultation with the Upper Selwyn Huts community

1. Draft Deed of Licence (DOL)
2. Wastewater Pipeline Cost Approach
3. Length of DOL term
4. Inspection Programme

Presentations and Discussions

Guiding Principles and Assumptions:

- Emphasis on placing people at the heart of the decisions.
- Balancing the local and wider community interest in this – creating a commitment to equity and district-wide significance.
- Ensuring that no one is made homeless.
- Council will continue to work with key partners.

Councillor comments:

- wider community tensions exist over costs involved of the USH community staying with the broader infrastructure implications
- General support for the guiding principles

2. Draft Deed of Licence (DoL):

- The existing Deed of Licence (DoL) has been renewed or rolled over multiple times; legal constraints in the Reserves Act limit licences to a maximum of 33 years (cannot grant a licence longer than this period).
- Staff advised that any roll over of the current licence would need to take into account the 10 years into the licence period that has already been granted. However, if a new licence was created then this would essentially start at 0 years.
 - There was discussion on options for term lengths, including staggered renewal periods (e.g., 10+10+13 years).
 - Any new licence on new terms would require consultation.
- The council has a duty of care to anyone living on land for which it is responsible, whether in its role as a regulator, territorial authority, or landlord. Ensuring that residents have safe and healthy living conditions is a priority, making it reasonable for the council to maintain oversight.
- An earlier draft of the DoL, which included a code of conduct, was not well received by licence holders, as it was seen as the council policing people's behaviour and this also raised enforcement questions for Council. The current draft deed of licence instead includes a schedule of guidance, providing guidance of which agencies residents can refer to.

Councillor Comments:

- There are parts of the community that are vulnerable from a range of perspectives around health, finances. The community are all individual cases though so not homogenous.
- Concerns about the rising groundwater levels, increased flood risks, and the perception that the council is ignoring these conditions, whereas they would take action if the issue were occurring elsewhere in Selwyn.
- Environment Canterbury staff commented that adjacent to and below the stop bank, ECan is actively assessing the scheme's performance and condition. They are exploring solutions for improvement. Additionally, they are considering the impact on the wider community and evaluating ways to manage any related challenges. There is targeting rating in USH (Upper Selwyn Huts) settlement.
- Would like to see any transfer rules incorporated into the DoL so residents can make necessary plans before the DoL term ends.

3. Building Inspections:

- The council has limited records regarding structures in the USH settlement. When complaints arise, inspections are conducted to assess compliance. Originally built as fishing huts, these structures are unlikely to meet current building regulations. Inspections are carried out using the 1947 regulations as a guide, as this remains an applicable legislation.
- The inspection team is assessing conditions and engaging with residents to provide guidance on mitigating fire risks.
- The Insanitary Buildings provisions apply across all properties in Selwyn under the Building Act.
- The Healthy Home Standards were addressed. Staff advised that if a hut is being leased / rented, compliance with Healthy Homes standards falls under the jurisdiction of the Tenancy Tribunal. Overlapping responsibilities make enforcement difficult, the primary relationship is between the hut owner and the tenant.
- This issue closely aligns with the Health and Safety Act. Since the council has control of the land, it has health and safety (H&S) obligations under the DoL, but these are limited to the extent of its control. The

owner and leaseholder of the property also have their own responsibilities. From a reputational standpoint, the key question is whether Selwyn District Council has done everything it reasonably can to address risks.

Councillor Comments:

- It would be difficult for owners to allow building inspectors into their homes and then bear the costs of any required repairs. Staff responded that the building inspections would be a co-operative process, to work with various people in the community. Look at inspections externally first if residents are more comfortable with that. Staff emphasised the importance of open dialogue with owners regarding internal compliance and an approach that has to start off with rebuilding trust.
- The disparity within the community was addressed, with an assumption that most residents are unlikely to have mortgages due to lending restrictions. They observed that many residents have chosen to live there, while also commenting that there are some residents in urban areas of Selwyn may be experiencing greater financial pressure.
- As the licensor, the level of responsibility we apply should be the same level for everyone.

4. Wastewater Pipeline:

- Discussion on wastewater infrastructure, including financial implications for hut owners and the wider district.
- The carry-forward (account deficit) fee in the license fee, which is intended to cover costs that have already been incurred. A councillor commented that this could be related to the time when the basic sewage plant required a capacity upgrade.
- Once the pipeline completed, the pipeline licence fee cost will need to be modelled as there is potential for other charges for operation of the pipeline
- The main sewage pipe would be council's responsibility, with costs recovered from hut owners or District Wide Rates. Lateral pipes would be the responsibility of the hut owners.
- It was clarified that the interest rate of the licence costs at 30% of the cost of the pipeline will be variable.

Councillor comments:

- Aqualinc's climate change modelling was addressed and a question was raised regarding it predicted wind shifts. Response from Aqualinc was that the issue of wind is very complex, involving factors like wave action and long-term patterns, which depend on the direction of the wind. This is something that is difficult to model accurately.
- Higher lake levels backed up from the mouth need reinforcing. Response from Ecan was that there are some challenges with the current capacity, and a scheme review is being conducted. Until the review is complete, it's difficult to say. Targeted rates will be applied to the infrastructure if significant improvements are required consultation with the wider community will be conducted through the long term plan.

Break at 3.15pm

Meeting recommenced 3.30pm

5. Licence Term Length Options:

A range of proposed options were discussed:

- **Option 1:** Fixed year term of than 33 years with clear retreat conditions.
- **Option 2:** Triggers with a fixed term (e.g. environmental factors determining relocation).
- **Option 3:** Triggers with no end date, relying on environmental conditions.
- **Option 2 and 3:** Triggers

Jacobs staff discussed the triggers and provided some initial comment on what are high level triggers. It was noted that the inclusion of triggers would require more scientific investigation and clear explanation and rationale for the community.

- **Flooding of houses / Flooding affecting access:** Vehicle access is cut off to the huts continuously for over 24 hours -e.g. emergency services cannot gain access / residents are unable to get to hospital, can't get to work or get or receive groceries.
- **Regular ponding of water:** Ponding of water for 20 continuous days at an agreed location.
- **Inability to obtain flood insurance:** There may come a time when insurance companies are unwilling to provide flood insurance at all no matter what the cost.
- **A major event requires over 30 huts to rebuild:** Should a significant event that requires over 30 dwellings to be rebuilt or a third of the homes needing to be rebuilt
- **A flood event causes serious injuries and/or fatalities:** The settlement is at risk of a stopbank breach and overtopping.
- **Te Waihora is no longer able to be opened to the sea.** Changes in the flood risk could include a change to the level in which Te Waihora is opened to the sea.
- **Option 4:** 5-year rollovers maintaining status quo, placing future decision-making on future councils.
- **Option 5:** Alternative Options that had been discussed with residents during recent engagement meetings were also raised with Councillors.

Councillor comments:

- Has any consideration been given to whether Council might not be able to get insurance for its assets if there was a flood, for example washing out of the road. If there was loss of a hut due would this be allowed to be rebuilt. Staff advised that it is increasingly harder to receive insurance for flooding, with the building Act section 73 on the underlying title.
- It was suggested to remove the last trigger 'Te Waihora is no longer able to be opened to the sea' due to the unlikelihood of this scenario.
- While flooding may be the primary issue the environmental impacts on human health should be considered, particularly the effects on people and the consequences of these factors, when assessing the triggers.
- Discussion on the triggers continued with a degree of in principle support leaning towards **Option 2** (Triggers with a medium-term fixed 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. It was also agreed that work needs to be done to clarify triggers. There was also support signalled for Option 1 and for option 3.

6. In summary

- Legal constraints in the Reserves Act limit licences to a maximum of 33 years (cannot grant a licence longer than this period).
- Recognition of council's duty of care and potential reputational risks.
- Ensuring long-term planning aligns with environmental and infrastructure realities.
- Consistency for the community and the rest of the district
- 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.
- Direction given that work needs to be done to clarify triggers.
- Direction given that Legal and financial reviews to be completed before public consultation.
- The need to align consultation at the end of the Local Water Done Well Consultation.
- The need to meet with the community to communicate discussions and process.

