

EXTRACT FROM COUNCIL MEETING 8 MAY 2019

REPORTS

1. **Property and Commercial Manager**

Upper Selwyn Huts Future Occupancy Strategy

Messrs. G Young, G Evans and C Giddens addressed Council. They provided documents which they noted contradicts some of the information contained in the report on today's agenda. A petition with 3700 signatures under the heading Save the Huts was presented to the Mayor.

Mr Graham Young thanked Council for the opportunity to speak. He gave a brief background to the issue and said there had been a lot of misunderstanding to date. He was amazed that Council staff still reported that Council owned the land when, in fact, it does not. He added that Selwyn Huts should not be considered as being similar to Taylor's Mistake – Selwyn Huts had always been designated a community. The settlement area was designated as local purpose reserve from August 2015. The township does not sit on a recreation reserve, rather it sits on local purpose reserve.

Mr Young said he has a copy of the original surveyed sections which was leased. He said there are a variety of sizes, but approximate section size is 200m².

Noting advice from Buddle Findlay in the matter it was clear that the law firm also struggled with why one community was being excluded from the District-wide rate. He added that initially the township was included but was then excluded again.

Mr Young told Council that the settlement could soon be identified as an archaeological site and had informed Council of this. He said Council has an obligation to inform the Selwyn Hut owners as to what its intention is with the Huts.

He also referred to a report from Development Matters with recommendations around water and sewer to the settlement and noted council was irresponsible to ignore it. He said the Property and Commercial Manager's report was not only inaccurate but also at odds with the very report it sought. He said Council was not finding wisdom, instead allowing prejudice to discriminate against a small community. Mr Young said small communities can be easy targets but on the other hand, a small community could be an example of how well Council was doing if it was being treated fairly and allowed to grow. He said the Selwyn Huts residents were heartened by legal reports and the response from the wider community.

Mr Young spoke of the petition "Save the Selwyn Huts". He said residents were heartened by the response from the wider community. He presented the petition with 3700 signatures to the Mayor.

Mr Graeme Evans tabled a submission from Mrs Susan Rogers. It referred to, and included, two copies of the 1895 Gazette and the first Buddle Findlay input to the Council, noting the other two opinions were already contained in the report.

Mr Colin Giddens spoke and said the land was Crown land, and not owned by Council. It had been administered by Council with a responsibility of upkeep. He also spoke of a research from Lincoln University who referenced ownership of the Huts. Mr Giddens said he requests from the Financial Team a full and correct financial statement of expenditure and income for the Huts and its assets movements. He also told Councillors that if the situation does not move ahead they will consider asking for a commissioner to review the situation. He said one of the statements by Buddle Findlay was in complete conflict with the report from the Property and Commercial Manager, whom he believes did not read the lawyer's report.

Mr Giddens also asked Council to establish where the licences for the huts come from and where it was first invented by council staff. He said there was no such thing as a legal licence for the huts and somewhere along the lines, Council must have invented it. He provided history stating that in September 1947 people were sent from Burnham Camp to the Selwyn Huts to be repatriated. Some of them bought huts down there and some were billeted with others living in tents. At the time there was an average of 60 people living there, so it was all very historic. All of this information is in writing with the RSA if Council wanted to read it.

Mr Giddens then asked everyone present to stand while he read out the Oath of the RSA. Councillors asked questions for clarification, as follows:

Councillor Hasson asked whether the Upper Selwyn Huts representatives had any comments on the recommendations as presented in the report. The group noted they will agree with recommendations 1a and 1b and 2. They will disagree with 1c and also 3 as the settlement is actually designated as local purpose reserve under the Reserves Act of 1977.

In response to her follow up question around ownership it was acknowledged that hut owners do not own the land, only the structures built on it.

The Mayor thanked the presenters and supporters for their time and asked the Property and Commercial Manager to speak to his report.

Mr Marshall gave a brief background as to the report noting that he had captured the inaccuracies as pointed out and said it will be corrected. He said one of the big issues was related to wastewater and alongside that, the funding thereof. This will be key to resolve. He said he noted the comment about the licence agreement and confirmed it was legal. He was open to receiving any advice to the contrary. Mr Marshall said the next important step was to get three people from the community to join the committee. In response to a question from the Mayor about a timeframe and process for identifying the three people, Mr Marshall said he would aim for a report back to Council at its 10 September meeting.

Councillor Bland noted the resolution encouraging three members to negotiate a way forward but wondered whether there should first be negotiations before setting the resolution as at least one of the recommendations is set in stone.

Councillor Alexander asked whether it is being alleged that this was the only community funding its system to which Mr Marshall said there are only a limited number of communities on a reticulated system, adding that Darfield had its own targeted rating scheme.

Councillor Miller said the community deserved certainty and he felt that today Council should provide that. He said they should see Council make those uncomfortable decisions and added there should be a cost effective solution. He said although it was uncomfortable, Council needed to look the community in the eye acknowledged that Recommendation 3 is true – in 30 years' time the community wouldn't be what it was today. He said he didn't feel he would be doing his duty if he didn't tell them that. He told the residents that Council wanted them to stay there as long as possible and in time, their enjoyment may be in a different format.

The Mayor read the amended recommendation and said Mr Marshall could help the community via electoral staff to elect three members of the community, to the committee.

He thanked the presenters again for their time.

Moved (as amended) – Mayor Broughton / **Seconded** – Councillor Lyall

1. *That Council acknowledges:*

- a) *That climate change over the next 100 years means the sea level rise that will result in changes to the environment around Lake Ellesmere specifically resulting in the lake not being able to be opened to the sea as easily or possibly as often, thus resulting in the lake area likely increasing in volume and area and the water table lifting.*
- (b) *That Council needs to continue to provide wastewater services but will do so in the most prudent and cost effective manner.*
- (c) *That the wastewater solution will be funded by the Selwyn Huts community.*

- 2. *That Council requests the Upper Selwyn Huts community to identify 3 members by 31 May 2019 to join the Council Subcommittee to review options for wastewater collection and treatment; the cost of those options, any proposed changes to the licence agreement to have effect from 1 July 2020, and that the appointed group report back to Council with their recommended proposal to the 10 September 2019 Council meeting.*
- 3. *Council now determines that hut licences and subsequent renewals are short term and ultimately for a finite period.'*

CARRIED