

**MINUTES OF THE SELWYN DISTRICT COUNCIL
UPPER SELWYN HUTS DELIBERATIONS HELD
IN THE NICHOLAS HALL,
LINCOLN EVENT CENTRE
ON THURSDAY 21 AUGUST 2025 AT 10AM**

PRESENT

Mayor Sam Broughton, Councillors, LL Gliddon, D Hasson, S G McInnes, G S F Miller, R H Mugford, ES Mundt, & N C Reid

IN ATTENDANCE

Mrs S Mason (Chief Executive Officer), Messrs R Love (Executive Director Development & Growth), S Gibling (Executive Director Strategy, Engagement and Capability), J Knight (Head of Health, Safety and Wellbeing), M England (Head of Asset Management), Mesdames D Kidd (Executive Director Community Services & Facilities), S Carnoutsos (Communications Manager), N Livermore (Consultation Coordinator), H Eddy (Community Policy Advisor), P Swift (Senior Communications Contractor), J Hands (Head of Legal), D Mitchell (Senior Counsel), B Hammond (Head of Financial Operations), T Van der Velde (Executive Assistant), and Ms T Davel (Governance Lead)

APOLOGIES

Moved – Mayor Broughton / **Seconded** – Councillor Reid

‘That the panel receives apologies from Councillors Lyall and Epiha and Ms McKay.’

CARRIED

OPENING COMMENTS

Introduction and Welcome

Mayor Broughton welcomed everyone and thanked them for the work that went into the documents for the hearings a couple of weeks ago and also the preparations for the deliberations today. He welcomed the audience and thanked them for their attendance.

CONFIRMATION OF HEARINGS MINUTES

Moved – Councillor Gliddon / **Seconded** – Councillor McInnes

‘That the Council confirms the minutes of the Upper Selwyn Huts hearings, held on 7 August 2025, as circulated.’

CARRIED

REPORT

1. Deliberations Report - Upper Selwyn Huts Deed of License

It was agreed to take the first two recommendations at the start of the meeting and then go through the rest item by item.

Moved – Councillor Mugford / **Seconded** – Councillor Miller

'That the deliberations panel (Council)

- a) Receives the 'Upper Selwyn Huts Deliberations' report;*
- b) Receives 209 submissions to the Upper Selwyn Huts consultation*

CARRIED

By way of introduction staff noted the background, including the consultation process timeline, and referred to drop-in sessions. They acknowledged the 209 submissions from individuals and organisations as well as the 45 submitters who came in to speak in person at the hearings. It was acknowledged that the thoughtful, detailed and many stories from submitters were deeply personal. The significance was recognized and submitters were thanked for their participation.

Staff said consultation as defined is important as it provides communities with opportunities to affect them; while at the same time provides opportunities for decision-makers.

Today Councillors will have the opportunity to discuss and ask questions and there is also an external presenter online regarding the Aqualink report.

Staff noted that the intention is to speak specifically to each of those deliberations matters.

They added that the huts are on crown land managed by council; and over a century this has evolved from a recreation reserve to a community with permanent residence for many people. Previously it was only for the fishing season; then that became a period of five years; and only in the last 15 years was the allowance made to stay for 365 days a year which was allowed for all license holders. Many have transitioned from a fishing hut to a permanent hut. It is therefore good for Council to take a long-term view as to how to manage this.

Moved – Councillor Mugford / **Seconded** – Councillor Gliddon

'That the deliberations panel (Council):

- (c) Gives direction to staff to inform the recommendations for decision on 17 September 2025.'*

CARRIED

1. That the deliberations panel gives direction to staff to inform the recommendations for decision on 17th September 2025 on:

The term of the Deed of License for the Upper Selwyn Huts starting from end of June 2026

Staff noted that most submitters preferred a 30-year term with a further 30 year's renewal.

Councillors had the following comments:

Councillor Hasson asked for clarification as to which Act applies, with the legal team confirming it falls under the Reserves Act.

Agrees with a 30-year term and acknowledging there is the option to be looked at under a new Council and any changes in legislation coming up.

Councillor Gliddon - Supports 30 year without fixed end date – provides stability and security. Few things council needs to do e.g environmental issues. Setting a hard end date is arbitrary and unnecessary.

Councillor Mundt – Supports 30 years and no end date. With a forward-thinking future council to look at environmental triggers with new legislation, including mitigating flood issues.

Councillor Miller – heard two things from submitters – what is the ‘why’ and asking for clarity. The ‘why’ including a number of issues, primarily the sewerage but clearly the new pipeline to Pines will mitigate that. Some of the other ‘why’s’ still need to be discussed. Sea level rise and climate change were addressed by Aqualink. Flooding is an annual issue but they have a high tolerance for it although the risk shouldn’t be dismissed. Rising ground water is an insidious risk and important and can cause unsanitary conditions. Aqualink says it’s unpredictable but not fatal.

Taumutu / runanga issues should also be discussed and how they see it, e.g. they want a five-year finite term and the rationale needs to be discussed. In 2029 the lake opening protocol review will happen and there could be higher standing levels in the lake which could have an impact on the huts. Taumutu has asked Council not to restrict their options by having a long term. Councillor Miller expressed frustration at a lack of direction and input from DOC – they have removed or sent messages to the huts but have not provided Council with any clear direction or advice. He also didn’t find the Ecan submission helpful either. Based on all this, he saw no immediate reason to withhold licence from them. To do Council’s duty it must signal there are ongoing risks, not in 10 or 15 years but whenever it is, the huts and community might become unviable. The community wants and deserves certainty.

Supports 30 years with a 10 year check every 10 years would be good for the community and wider Selwyn district.

Councillor McInnes – agrees with Councillor Miller. These issues are not restricted to USH, coastal communities all around NZ have the same issues.

Councillor Mugford - 30 years and look at it over time. Hut owners should take responsibility for where they live, it’s up to them to come forward with solutions – important to work together in the future.

Councillor Reid - 30-year term and looking to environmental triggers with regular check-in times.

The legal team noted there was the option of having a licence in perpetuity, with an possibility for regular check ins, based on triggers and an openness to keep checking in with the community.

Some risks were mentioned, e.g. what if the license is for 30 years but at year 7 the rising ground water level creates damp houses. If they had a license for 30 years it would be hard legally to ask them to move. The legal team said the DoL could include the right to

live there for 30 years, with a notice to terminate earlier, but then that would be based on the earlier conversation of identified and agreed environmental triggers.

There was a brief discussion about being challenged with compensation. Council is not liable as the same rules will apply with anyone else in NZ buying property – the only time a council could be liable is under the Building Act where it is found that building inspections were not done properly.

2. That the deliberations panel gives direction to staff to inform the recommendations for decision on 17th September 2025 on:

Whether a condition should be included in the Deed of License which would end the license early if an environmental event occur

Staff noted this item is about whether an environmental event should result in ending the license early. Options noted included flooding affecting houses; destruction of a road; or any serious harm caused by a flooding event.

It was acknowledged that a future council can receive and consider new scientific information that comes available at any time. It could also reconsider its position at the time such an event occurs. Staff said that this council may choose to make provision for DoL to include these options / events.

Staff said the majority of submitters disagreed with the proposed events specifically any damage of flooding on a road. They wanted to be treated the same as anyone else in the District and expect Council to repair roads.

Councillors made the following comments:

Councillor Reid - lake opening protocol will have a huge impact but the community is resilient. Looking at Jacobs report, the triggers are not appropriate.

Councillor Mugford - if something happened that is foreseeable, discuss with community and council but it could happen at any time. Roading or anything else, it would need to be at a stage where it was completely uninhabitable. Triggers not appropriate.

Councillor McInnes - we do still need to do more work on environmental triggers, not only for this community but for everyone in Selwyn. Council should continue gathering data and working out what best we should do for the community. Not only short-term catastrophic events. Can always fix the road, e.g. a cyclone. As far as the stop bank goes, it's not Council's, it belongs to ECan. Adapt the protocol for the lake but it requires a lot more data and information. Triggers not appropriate, needs more work.

Councillor Miller – triggers need more work and especially would like to know more about ground water and impacts.

Councillor Mundt – the lake opening protocol is much wider than USH discussion. Stop bank is lowered intentionally further upstream where it runs over farmland. It's a man-made thing, and it's preventative. Foreseeable triggers, there are things we can do to be prepared e.g. fire risk for Rolleston is increasing. Need to be a little more realistic and not fearmongering. Based on the triggers, Doyleston is also resilient, also Tai Tapu – yet they are not asked to manage retreat out of their properties. We are talking about a much higher risk to human life, and it needs to be across the district not only the huts.

Councillor Gliddon – lake opening protocol is important and including environment triggers

is also important for both parties, need to look at risk and how to provide certainty for people. Evidence over assumptions. Good science is needed as to why we use these options as triggers. The triggers in the consultation document are not enough. What is needed is negotiated and agreed environmental triggers, working together with residents of the huts. People understand the risk when they buy property and so there is a common sense and risk that need to apply here. Examples include, licence should only end when those high-level environmental triggers are evident, but what are these? Do we do Aqualink modelling every 10 years to be sure? Or perhaps an independent assessment that deems the site unsafe after a significant event e.g. AF8, but whatever it is it needs to be agreed on. Evidence-based pathway is the best - council need to review the modelling every 10 years. Can't just leave it to automatic termination, using review check points that tie into the data.

Councillor Hasson – important to review the modelling, not only for lake opening protocols, but also for the growth of the community. We all contribute to the increase of carbon, growth happening in Rolleston and Lincoln; the groundwater is increasing, and it goes to the lake. Hard surfacing due to growth impacts and that needs to be modelled. Aqualink should also do some modelling about this as it will impact - this is a natural phenomenon happening as a result of growth and farming practices. Those living on the lake will be the first casualties.

Aqualink consultant noted that ongoing modelling was possible, and that land use change around Lincoln and Rolleston has not been specifically accounted for in the scenarios but it is possible to do.

The legal team noted that there was a risk to include triggers in the DoL which had not yet been consulted on. The review criteria will be important to look at. They agreed with the Mayor that the term of license might be 15 years with an option to extend the term and that any new information or data that come up at any time could be looked at and possibly be included at that time.

There was discussion about whether there should be no triggers at this time, but it will remain evidence based and whether triggers are included in future will be up to the next council. Legal reiterated that it presented challenges and risks, one of which is that the community might not have the opportunity to consult on a trigger identified and mitigated at short notice.

It was agreed the triggers used in consultation were not usable. Legal noted that setting up review points could allow for opportunities to discuss / consult on triggers. They also said that council's responsibility of duty of care was as reserve administrator, therefore a legal, and health and safety duty.

In summary, no triggers at this time and to be reviewed at intervals of 10 – 15 years. Staff will present options in the decision paper to council in September.

3. That the deliberations panel gives direction to staff to inform the recommendations for decision on 17th September 2025 on:

Whether the Deed of License should include a Bond to assist with remediation at the end of the license term

Staff noted the preferred option of submitters did not want a bond. It could be applied in some instances but mostly people did not want a bond.

Comments from Councillors:

Councillor McInnes – if there is no bond, how can the DoL make provision for cases where there is a need for clean-up etc.

Councillor Miller – supports a bond. Comes back to tenure, the longer term you have to live there, the easier it is to collect a bond over the years.

Councillor Mundt - increasing costs with rates, and water will make it harder for the communities. Someone might have had it for 50 years and now must tenant it out to pay the increasing costs.

Councillor Gliddon – a bond might not be required due to an end date set; residents already carry some obligations under existing building act to remove or remedy unsafe structures. The bond makes sense in time limited scenarios. Would be transferable with new licensee and needs to be linked to triggers. Council needs to commit to a future conversation and at that point a bond will be discussed.

Councillor Hasson - supports a bond. Talks about removal of asbestos and how costly it is to have it done. Many of the huts have been clad with fireproof material – this is on a reserve; the cost of remediation of houses may not be affordable by ratepayers who may not wish to contribute. It's a timeline issue, the community has been there 130 years, and it has a high risk of contamination on this site.

Councillor Reid - a bond can ensure the site can be cleaned up which is usually at the end of the life.

Councillor Mugford – does not support a bond as will be difficult to administer.

Mayor Broughton - a bond is sensible if there is an end date. He asked councillors for a view around yes or no, and an amount.

Contamination and remediation were discussed with staff noting the onus is on the owner of a building. If new buildings are to be added there needs to be assurance the site has no contamination. There was also a discussion about whether remediation would be done lot by lot or across the entire site. If the latter, this may fall to council to do as it will be under the Reserves Act. If owners fail to remediate and pay for remediation, council can remove the huts from the lot and any debt owing can be claimed back.

Staff noted the main challenge was that council has inherited a decision from another decision body and therefore council also inherited the accompanying issues.

Break for lunch 12.17pm – 1pm

The Mayor welcomed everyone back after lunch.

Councillor Mundt offered a public formal apology about the comments she made on Greenpark Huts, acknowledge there was a signed agreement between the owners and Ngai Tahu. Councillors discussed the amount of a potential bond. It was agreed that it could be somewhere between zero and a couple of hundred dollars but not a decision this council can make today. Report writers would need to come back with several options and risks so that Council can make an informed decision in September. Staff said the dollar amount would be a matter for the annual plan, whereas today's discussion and September's decision were more about whether to have a bond or not.

4. That the deliberations panel gives direction to staff to inform the recommendations for decision on 17th September 2025 on:

Whether the Deed of License should include terms for allowing pro-active building inspections

Staff noted that there are various complaints that could be made about any dwelling, including the presence of rats or mice; suspected unsafe living conditions; using a shed as a dwelling; insanitary conditions. The steps the council may be required to take include a site investigation, community response team contacting an owner etc. The building inspection might involve visual inspection; photographs; physical measurements; non-invasive measure reading; and staff might be accompanied by other agencies e.g. food and health; and a discussion with owners.

Staff said that submitter responses showed that the most supported approach was that inspection only takes place in response to a formal complaint or visible issue.

Councillors had the following comments:

Mayor – there are some responsibilities in here for all of us. Is there a specific need to have something in the license?

Councillor Mundt – doubts that it is legal to have an alternative building inspection for the huts, other than what already exists. For example, the issue of the insanitary building code should then be applied to the entire District.

Councillor Miller – is there any legal requirement for council to have inspections? Staff responded that the council has a responsibility to look after a reserve as appropriate custodians and need to be comfortable with the situation. It would be good to have something in the license. Councillor Miller added he has not yet heard of a non-compliant hut. The council needed to ensure stormwater goes into stormwater and sewage goes into sewage. If that is taken care of there is no inspection needed.

Councillor McInnes – a building inspection does not cost money and shouldn't be part of the DoL, but it would be more for people's own peace of mind.

Councillor Mugford – there is a complaint system in place, this should be no different.

Councillor Reid – no inspections.

Councillor Hasson – complaint system in place.

Councillor Gliddon – on an as required basis in line with practice across the rest of the district.

Agreed: no separate process for building inspections.

Staff summarized as follows:

- 1) Term of license – 30 years with check-in points at certain points e.g. 10 / 15 years.
 - a. *Staff will present a recommendation as part of their report to Council, including an options analysis.*
 - b. *Staff will bring an example / draft new DoL as part of this report.*
- 2) No specific triggers noted.
 - a. *Staff will consider how to differently word information around triggers as part of*

the Deed of License.

- 3) Split view on whether to have a bond.
- 4) Building inspections will be similar to any other building in the district, e.g. where it was considered insanitary etc, and subject to a complaint from someone

Comments:

Councillors wanted further information on the following, as part of the council report.

- 1) Costs - will form part of the annual report
- 2) Status of the reserve – ecological or open and what if any, ecological values exist here.
Special designation – local purpose for hut settlements.
- 3) Dogs and cats – any restrictions?
In the current agreement no dogs are allowed as it's a reserve; decision made by a previous governance body circa 1970 and reflects the acknowledgement of wildlife in the area.
Staff noted the new license will make reference to dogs and cats.
- 4) Multiple renting
Will form part of the renewal of the license.
- 5) Fire and fire risk
Fires on a reserve without proper permission, making sure there are no open fires.
Will continue to be part of the DoL.
- 6) License Fee and rates – what are Huts residents actually paying for in their fees and rates. For example, are any savings on the pipeline passed on?
Currently included are the sewerage system; with trucking costs no longer needed due to the pipeline; historical cost for water will now be part of future water costs; potential refuse collection fee to be included as not currently part of the fees.
- 7) When did Council start informing purchaser of the current process?
- 8) What are the risks to the DoL either rolling it out or rewriting it.
- 9) Finite term – is there a need to undo that decision?
- 10) As the new council will decide on this based on consultation, the previous decision is superseded.
- 11) Risks of not accepting the new licence.
Report will include risks to council as to what happens when an owner e.g. does not sign the DoL. It will include the process for collecting non-payment / arrears.
- 12) Te Waihora Lake management – council would rather know now what Runanga want as a decision might lock council in.
Will be included in the report.

The Mayor thanked everyone in attendance and to the panel for their participation. He noted council will receive a comprehensive paper with options and risks based on today's

discussion. He added that there would be no public forum on the particular matter at that meeting scheduled for 17 September 2025.

CLOSING COMMENTS

The deliberations closed with Karakia at 2.10pm

DATED this 17 day of Sept 2025



MAYOR