

**MINUTES OF AN ORDINARY MEETING OF THE  
SELWYN DISTRICT COUNCIL  
HELD IN THE TAI TAPU COMMUNITY CENTRE,  
ON WEDNESDAY 14 AUGUST 2019 COMMENCING AT 1.00PM**

**PRESENT**

Mayor S T Broughton (Chair), Councillors, M A Alexander, J B Bland, D Hasson, M P Lemon, M B Lyall, G S Miller, J B Morten, R H Mugford, N C Reid & C J Watson

**IN ATTENDANCE**

Messrs. D Ward (Chief Executive), D Marshall (Group Manager Property), S Hill (Group Manager Communication and Customers), T Harris (Group Manager Environmental and Regulatory Services), G Bell (Group Manager Corporate Services), M Washington (Group Manager Infrastructure), A Boyd (Solid Waste Manager), M England (Asset Manager Water Services), R Raymond (Communications Advisor), and S Sudarsanan (ICT / GIS Support Officer); Mesdames J Gallagher (Chair: Malvern Community Board), N Smith (Executive Assistant); and Ms T Davel (Governance Coordinator)

**Other:**

Mrs C Hart (Environment Canterbury), Mr C Payne, Ms S Baikie, Mr S Epiha

**Media:**

Mr J Leask (Selwyn App)

Ms D Bolger (Selwyn Times)

**Presenters:**

Mr Andrew Dick (Consent Process)

**APOLOGIES**

An apology was received for Councillor D P McEvedy.

**Moved** – Councillor Watson / **Seconded** – Councillor Alexander

*‘That the apology for Councillor McEvedy be received, for information.’*

**CARRIED**

**IDENTIFICATION OF ANY EXTRAORDINARY BUSINESS**

None

## CONFLICTS OF INTEREST

Councillor Hasson in respect of District Licencing Committee.

## PUBLIC FORUM

Mr Andrew Dick (Consent Process)

Mr Dick told Council that he had a 10 acre block of land and he recently identified an opening in the market for free range eggs. His contact with Council had been less than satisfactory as he expected to be given a flow chart of what to do and next steps. As it turned out he had been given what he believes to be the run around and it has cost him more money than what he thinks is necessary. He feels if he knew about all the rules and regulations he would not have applied for a consent, and admitted that he had in fact withdrawn it now. He said he wanted 2000 chickens but if he was happy with 100 he didn't need a consent. He said he wasn't going to have only 100 chickens because firstly it would mess up his land and secondly it would not be profitable.

Councillors asked whether he felt frustrated and he was advised to obtain professional support with his consent. Mr Dick said it was about common sense and he felt that neighbours of his may not consent to what he plans on his land, not because of any other reason than that they can say no. He was adamant that Council needed to provide a flow chart of applying for consents which will allow applicants to quickly determine what it would cost them and whether they were actually on the right track.

The Mayor thanked Mr Dick for his presentation and Councillors reviewed what he told them. The Chief Executive noted there were two sides to be considered and Council planners will consider what was put before them today to provide a response. Councillor Morten wanted it noted that as elected members they need to be reassured that when a member of the public comes in asking about resource consents they are to be made fully aware of all the risks of those commitments. The Chief Executive said this is what will be incorporated in the response back to Mr Dick.

## CONFIRMATION OF MINUTES

1. **Minutes of an ordinary meeting of the Selwyn District Council held at the West Melton Community Centre, on Wednesday 10 July 2019**

**Moved** – Councillor Mugford / **Seconded** – Councillor Lyall

*'That the Council confirms the minutes of the ordinary meeting of the Selwyn District Council held on Wednesday 10 July 2019.'*

**CARRIED**

## 2. Minutes of Council Committees

**Moved** – Councillor Miller / **Seconded** – Councillor Bland

*‘That the Council receives the confirmed / unconfirmed minutes of the following, for information.’*

Meeting	Date
Audit and Risk Subcommittee ( <i>confirmed</i> )	3 July 2019
Property Committee ( <i>confirmed</i> )	3 July 2019
Selwyn Central Discretionary Fund ( <i>unconfirmed</i> )	10 July 2019
Springs Ellesmere Discretionary Fund ( <i>unconfirmed</i> )	10 July 2019
Selwyn Waihora Zone Committee ( <i>confirmed</i> )	2 July 2019
District Plan Committee ( <i>confirmed</i> )	26 June 2019
Malvern Community Board ( <i>unconfirmed</i> )	22 July 2019

**CARRIED**

## CURRENT MATTERS REQUIRING ATTENTION

Item	Meeting referred from	Action required	Report Date / Action
Supporting Internship	June 2019	Report ( <i>Chief Executive and Community Relations Manager</i> )	11 September 2019
Upper Selwyn Huts	May 2019	Report on work undertaken by local council committee and community members to review solutions, costings, funding methodology	11 September 2019
Social Housing	November 2018	Update Report	6 November 2019
Public Places Bylaw and Policy on Commercial Activities and Events in Public Places	September 2018	Review the effectiveness of the bylaw a year on	February 2020

*The Mayor requested Item 5 be taken at the time to allow Ms Hart from Environment Canterbury to present. The minutes are recorded in chronological order as per the order pages.*

## REPORTS

### 1. District Licensing Committee

*Joint District Licensing Committee and Licensing Inspectors' Combined Monthly report for period 1 June 2019 – 30 June 2019*

There was a request that an Inspector be present at future Council meetings in case Councillors had any questions on this report. The Group Manager Environmental and Regulatory Services said there was a new inspector and that they would attend future meetings.

*Councillor Hasson stepped away from the table due to a declared conflict of interest.*

**Moved** – Councillor Alexander / **Seconded** – Councillor Bland

*'That the Council receives the report on the activities of the District Licensing Committee and the Chief Licensing Inspector for June 2109.'*

**CARRIED**

*Councillor Hasson returned to the table.*

### 2. Mayor

*Mayor's Report*

The Mayor briefly summarised his report. He also referred to a CCNZ award which Council's roading contractor, HEB, received for Excellence in the maintenance and management of assets. He said it was good to know Council's contractor was recognised nationally for the work they do. In response to a question on the river recharge project Councillor Miller noted this process was driven both by Selwyn District Council and Environment Canterbury with the latter funding an installation of a T in the CPW system – he said it was a good example of a private public enterprise working together and should be seen as a highlight.

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

*'That the Council receives the Mayor's Report for June 2019 for information.'*

**CARRIED**

### 3. Chief Executive

*Chief Executive's Report*

The Chief Executive noted around Item 3. Local Government New Zealand – Localism Initiative that Council was signing up to the programme. In relation to Item 4. Three Waters Update – New Drinking Water Regulator, the Group Manager Infrastructure provided a high level overview of what was discussed in a meeting of Canterbury engineers in relation to this issue. There was agreement to three outcomes – to provide

safe water, improve environmental outcomes and improve asset management across the region. He added that council will stock take the different way they all deliver services, including anything done in house and outsourcing. Mr Washington said there was a lot of work to be done and the Chief Executive added that the issue will dominate conversations across the next year.

In relation to Item 2. Te Waihora Co-Governance Agreement, the Chief Executive proposed it would be appropriate to discuss the input Council wants to the document, at a next portfolio meeting.

There was a discussion on the changes to the Agreement with Councillors expressing concerns about it being brought to Council in this format. Councillor Lemon noted the changes should have come to Council in the form of a report for a chance to discuss it. He said he had concerns about Councillors apparently devolving away their governance through the process. Councillor Miller added he had strong objections with being presented the document as a *Fait accompli* without the time to look at it. He wanted his dissent recorded with what he called a wrong and abusive process. Councillor Hasson said she had already raised her concerns over this with the Mayor and said she did not recall any of the documents coming to Council before. She was disappointed that there had been no communication. She added that word travelled fast and this would just add fuel to the fire. She said she will not be part of a process where there was a lack of consultation with ratepayers and reiterated that any changes needed to be consulted.

The Mayor said the Co-Governance Group had not operated as a committee of (any) Council and they see themselves different. Selwyn District Council, Environment Canterbury Regional Council and Christchurch City Council had all expressed the need for changes to the outcomes. He apologised that the process was what it was over the past couple of months. He added that Ngāi Tahu had put the Te Waihora Governance process on hold for some time. While he agreed with what Councillors said he added that having the Department of Conservation on board with the Agreement was a huge step in the right direction.

Councillor Miller said the things that the Mayor had agreed to on behalf of Council cannot be put in action as there had not been an agreement of all of Council. He said he would be voting against the recommendation to receive the report as is.

Council's Group Manager Infrastructure, Mr Murray Washington said he had acted on behalf of Council as part of the Joint Operations Group (JOG) and he led the process to review the document. Mr Washington said it was basically the 2014 document with the addition of Department of Conservation. He said it was clear a full and comprehensive review was required as at some point this will become a public committee. Ngāi Tahu had also agreed that it would become a public committee.

Councillor Hasson said a document as important as this one would need to be consulted with a wider group, not only a few people meeting four times a year. She added she would be voting against it as well.

The Chief Executive asked that Councillors identify all their concerns with him and Mr Washington. The role of the committee and its terms of reference, including powers to act or bind agencies to act, will be reviewed. During the debate Councillors were adamant they wanted the Chief Executive and Mayor to be clear with the Co-Governance Group about Council's concerns.

The Mayor said he would be writing to the other co-governors informing them that Council was suspending its participation to the report until these issues had been resolved.

Councillor Hasson subsequently moved that Item 2 in relation to the Te Waihora Co-Governance Agreement lie on the table until the matter has been resolved and more information received.

Councillors noted they would agree with Recommendation 2 *provided* it was made clear how Council was going to achieve that.

The recommendations were dealt with separately as follows:

**Moved** (as amended) – Councillor Hasson / **Seconded** – Councillor Lemon

(a) *‘That Council receive the Chief Executive’s Report for information with the exception of Item 2 in relation to the Te Waihora Co-Governance Agreement which is to lie on the table until all Councillors are briefed as to the changes to the document;’*

**CARRIED**

**Moved** – Councillor Alexander / **Seconded** – Councillor Morten

(b) *‘That Council agrees to sign up to Local Government New Zealand’s Localism initiative making it clear how Council would be going about it; and’*

**CARRIED**

**Moved** – Councillor Lyall / **Seconded** – Councillor Bland

(c) *‘That Council adopts the recommended changes to the Delegations Manual.’*

**CARRIED**

#### **4. Chief Executive** *Committee Activity Updates*

##### Audit and Risk Subcommittee

Councillor Miller noted that both he and Mayor Broughton would be working on a discussion to respond to a Productivity Commission report. The Subcommittee also talked about Orion’s annual Report. He said staff will bring a borrowing and hedging strategy to the Subcommittee for consideration.

##### Property Committee

Projects were progressing well.

##### Selwyn Waihora Zone Committee

Councillor Lemon said the major topic of the meeting was urban water. He added that Murray England did a good job with his presentation which was well received. He added that some of the comments around the table were that people didn’t realise what a great

job Council was doing with water in the District. The Selwyn Waihora Zone Committee hosted the Christchurch West Melton zone Committee and it was a good opportunity to understand the issues they are facing.

#### District Plan Committee

Councillor Lyall said Councillors needed to remind ratepayers to submit if they had any issues.

#### Regional Water Management Committee

Councillor Reid said the committee had asked Environment Canterbury and Christchurch City council to report back on climate change emergencies.

#### Sister Cities Committee

Councillor Mugford noted that the new Council will be looking at the Sister Cities Committee. He added a contingent from China will be arriving in September.

#### Animal Ethics Committee

The next meeting is scheduled for 17 September.

**Moved** – Councillor Alexander / **Seconded** – Councillor Mugford

*‘That Council receives the Committee Activity Updates Report, for information.’*

**CARRIED**

### **5. Asset Manager Water Services**

#### *CWMS Fit for Future Project*

Ms Caroline Hart from Environment Canterbury and Murray England, Council’s Asset Manager Water Services, presented to Council on the project. Ms Hart extended apologies from the Chair of the Regional Water Management Committee for not being present.

Ms Hart provided context noting the CWMS targets were adopted a decade ago and were commissioned by the Canterbury Mayoral Forum. She outlined the process referring to workshops held to develop goals and identify actions. Ms Hart explained the different roles of the Regional Committee, the Goals Working Group and the six task Groups formed to look at environmental limits, drinking water, ecosystems and biodiversity, kaitiakitanga, regional and national economies and water-use efficiency.

Selwyn District Council had been involved through the Mayoral Forum, CE Forum, Council representation on the Regional and Zone Committees as well as the steering group.

In response to a question about what happened if targets weren’t met Mr England noted that there had been interim and medium term goals and since it was an integrated process it can be monitored and constantly added to. In response to a question around direction as to who will fund or pay for the work programmes, Ms Hart noted that while the Mayoral

Forum has a leadership role in the strategy, any decisions made are not binding to TAs and will continue to be addressed through the LTP processes and planning decisions.

**Moved** – Councillor Lyall / **Seconded** – Councillor Watson

*‘That the Council note the recommendations of Canterbury Mayoral Forum resolved on 24 May 2019 on the CWMS Fit for Future Project, in particular to:*

- 1. note that the Canterbury Mayoral Forum has approved CWMS goals for 2025 and 2030*
- 2. note that the Canterbury Mayoral Forum has asked Environment Canterbury to work with territorial authorities, Ngāi Tahu, industry and community partners to develop a regional work programme, with an implementation plan and monitoring framework to deliver the goals*
- 3. note that implementation to deliver the goals will have resource implications that councils will need to consider in adopting annual plans for 2020/21 and long-term plans for 2021–31’*

**CARRIED**

## **6. Asset Manager Water Services**

*Potential Water Race Closure – Council Deliberation and Decision*

Councillor Hasson noted that she will be voting against this closure. She said she was conscious of the need for water to flow into lowland streams and at the moment a lot of the recharge is coming from water races. Until there was something concrete in place she would not support closing water races.

**Moved** – Councillor Watson / **Seconded** – Councillor Lemon

*‘That the Council approve closure of 1 Length of water race totalling approximately 512m in the Paparua Water Race Scheme and 1 length of water race at 1043.5m length in the Malvern Water Race Scheme.’*

**CARRIED**

One vote against (Cr Hasson)

## **7. Solid Waste Manager**

*Adoption of Waste Management and Minimisation Plan*

**Moved** – Councillor Miller / **Seconded** – Councillor Lemon

*‘That the Council:*

- a) Agree to the recommended minor amendments to the draft Waste Management and Minimisation Plan;*



- b) *Revoke the existing Waste Management and Minimisation Plan 2011; and*
- c) *Adopt the final Waste Management and Minimisation Plan 2019.'*

**CARRIED**

## **8. Solid Waste Manager**

### *Draft Waste Management and Minimisation Bylaw for Consultation*

During the discussion the Solid Waste Manager noted he had focused on construction waste on commercial sites as he wanted to start with something which was more achievable. There will be time in the future when there will be focus on new residential housing but the cost was an issue at the moment. Some of the comments Councillors made included that Council may not be trying for the best outcome for the environment as the Bylaw may not be up for review for another 10 years; and that although staff seemed to be ambitious with the Bylaw and Plan, they were not ambitious enough.

The Solid Waste Manager reiterated that minor amendments were able to be included if need be. He said although currently it was restricted to commercial and industrial waste there was an 'at discretion' clause and Council could easily pick up larger developments at some stage in the near future.

In response to a question about the cost per household the Solid Waste Manager said it would be more cost effective to have fewer, but full, bins than many different bins half full as the cost to truck it out would be the same.

Councillor Hasson raised a legal issue around process and the Chief Executive noted he would take independent advice on the matter. Should there be a contradictory legal view he would circulate it to all Councillors.

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

*'That the Council:*

- a) *Adopt for the purposes of public consultation, the attached Statement of Proposal, and draft Waste Management and Minimisation Bylaw 2019; and*
- b) *Establish a subcommittee, comprising of three Councillors (Councillors Watson, Miller and Reid)), to hear submissions on the proposed amendments to the Waste Management and Minimisation Bylaw 2012 and make a recommendation to the Council for its consideration and approval.'*

**CARRIED**

**9. Group Manager Environmental and Regulatory Services**  
*Business Continuity Framework*

**Moved** – Councillor Watson / **Seconded** – Councillor Morten

*‘That Council:*

- a) Adopts the Business Continuity Framework comprising the Business Continuity Management Policy, the Business Continuity Plan and the Crisis Management Plan.*
- b) Supports the further training of relevant Selwyn District Council management and staff through an orientation session on crisis management and business continuity as well as a scenario driven exercise.*
- c) Provides the Group Manager Environmental and Regulatory Services with the delegation to make amendments as the Business Continuity Framework is further developed and refined.’*

**CARRIED**

**10. Regulatory Manager and Environmental Services Project Manager**  
*Adoption of Reviewed Selwyn District Council General Bylaw 2009*

**Moved** – Councillor Watson / **Seconded** – Councillor Morten

*‘That the Council:*

- a) Adopts the Reviewed Selwyn District Council General Bylaw 2009.*
- b) Approves of the insertion of the clause,*

**“SELWYN DISTRICT COUNCIL GENERAL BYLAW 2009**

- (1) The provisions of the Selwyn District Council General Bylaw 2009 and any bylaw passed in amendment or substitution are implied into and form part of this Bylaw.*
- (2) In the event of inconsistency or conflict between the provisions of this Bylaw and any other bylaw of Selwyn District Council, the provisions of this Bylaw shall prevail.”*

*as:*

*Clause 17 in the Selwyn District Council Dog Control Bylaw 2012*

*Clause 20 in the Selwyn District Council Stock Droving Bylaw 2008*

*Clause 29 in the Selwyn District Council Cemetery Bylaw 2017*

*Clause 14 in the Selwyn District Council Traffic and Parking Bylaw 2009*

*Clause 18 in the Selwyn District Council Water Race Bylaw 2008*

*Clause 25 in the Selwyn District Council Water Supply Bylaw 2008*

*Clause 9 in the Selwyn District Council Wastewater Drainage Bylaw 2016*

*Clause 20 in the Selwyn District Council Trade Waste Bylaw 2016*

*Clause 17 in the Selwyn District Council Stormwater and Drainage Bylaw 2018*

*Clause 7 in the Selwyn District Council Waste Management and Minimisation Bylaw 2012.*

- c) *Approves that the amendments to the General Bylaw and the insertion of a clause in other bylaws which references the General Bylaw come into force on 1 September 2019.*
- d) *Authorises that the submitter receives advice of the Council's decisions.'*

**CARRIED**

## **GENERAL BUSINESS**

### **11. Register of Documents Signed and Sealed**

**Moved** – Councillor Alexander / **Seconded** – Councillor Reid

*'That the following transactions and the fixing of the Common Seal under authorised signatures be approved:*

1	Name of other party	Hughes Developments Limited
	Transaction type	Fencing Covenant to indemnify SDC of liability towards fencing costs.
	Transaction description	Faringdon RC195113

2	Name of other party	Lincoln Golf Club
	Transaction type	Deed of Partial Surrender of Lease. Land which now forms a walkway through to the cemetery was taken from the golf club leased land in 2015
	Transaction description	Boundary Road, Lincoln

3	Name of other party	Fulton Hogan Ltd
	Transaction type	Grant easements in gross over area to become road in future stage. Grant easement in gross over reserve. Register fencing covenant on land neighbouring reserve.
	Transaction description	Edward Street, Lincoln (Rosemerryn – Stage 13)

4	Name of other party	Goulds Developments Ltd
	Transaction type	Grant easement in gross to drain water, sewage and convey water.
	Transaction description	1037 Goulds Road, Rolleston RC185300 Stage 6

5	Name of other party	Geoffrey Fairgray Shaw
	Transaction type	Deed of Licence
	Transaction description	Part Reserve 5171 Brookside and Burnham Road 558m2 hectares (Brookside Hall)

6	Name of other party	Garrison Developments Ltd
	Transaction type	Register SDC easements in gross.

		Fencing covenant indemnifying SDC of liability towards reserve fencing costs.
	Transaction description	Verdecco Park, 1486 Springs Road, Lincoln

7	Name of other party	Central Plains Water Limited
	Transaction type	Agreement to Grant an Easement
	Transaction description	South Two Chain Road & Hororata-Dunsandel Road

8	Name of other party	The Crossing Ltd, Te Awa Dairy Ltd, Craigmore Dairy II Services Ltd
	Transaction type	Deed of Variation of Lease
	Transaction description	Part Reserve 2289 - 1995 Sharlands Road, Te Piritā

9	Name of other party	Phoenix Farm Limited
	Transaction type	Deed of Partial Surrender and Variation of Licence
	Transaction description	Removing land that has sold from grazing licence at 44 Taumutu Road, Southbridge

10	Name of other party	Pinedale Farm Ltd
	Transaction type	Deed of Licence
	Transaction description	Reserve 2323 corner of Hunters Road and Sharlands Road, Dunsandel 2.0234 hectares

11	Name of other party	John Aubrey Ballagh & Leatitia Gillian Ballagh
	Transaction type	Deed of Licence
	Transaction description	Part Reserve 2285 Rockwood Road, Hororata 2.8328 hectares

12	Name of other party	Ngai Tahu Property Joint Ventures Limited and Lincoln University Property Joint Venture Limited
	Transaction type	Register Easements and Fencing Covenants
	Transaction description	Springs Road, Lincoln (Te Whariki)

**CARRIED**

## **REVIEW OF ISSUES RAISED IN PUBLIC FORUM**

Mr Andrew Dick's concerns with the consent process had already been discussed when he was present in the meeting. Council's planning staff were tasked to look into his concerns and respond back to him.

## **RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved** – Councillor Mugford / **Seconded** – Councillor Morten

*1. 'That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local*

Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Public Excluded Minutes	<i>Good reason to withhold exists under Section 7</i>	<i>Section 48(1)(a)</i>
2.	Public Excluded Chief Executive's Report		
3.	Public Excluded Committee Activity Updates Report		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1	Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or	Section 7(2)(i)
2, 3	Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or	Section 7(2)(h)

2. *that appropriate officers remain to provide advice to the Committee.'*

**CARRIED**

*The meeting moved into Public Excluded between 3.10pm and 3.38pm to receive an update from SICON Ltd. and again at 4.03pm for the remainder of the public excluded agenda.*

*The meeting reconvened in open meeting between 3.38pm and 4.03 and again at 4.40pm*

## OTHER GENERAL BUSINESS

*The meeting closed at 4.40pm.*

DATED this 11 day of September 2019

  
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 MAYOR