

Summary of Proposal – Water Race Closures

1. Proposed Closures

Council has received requests to close the following sections of water race.

Closure of these races are considered to be of low significance and do not significantly alter the intended level of service provision of the Ellesmere, Malvern and Paparua water race schemes.

Subject to public consultation and Council approval, these races will be closed and stockwater supply in these races will cease.

Table 1 – Proposed Water Race Closures

Map Ref	Scheme	Received from	Road Name	Number of affected Props/owners	Approx KM Race	Percentage of Total Rating Income
	Malvern	D Catherwood	Coaltrack Road	7	7.7	1.67
			TOTAL	7	7.7 km	

Maps showing the location of the above closures can be found on the webpage and appendix 1 to this report.

2. Consultation Process

2.1 Views of those affected

The Local Government Act section 82 requires consultation with persons affected by or have an interest in a decision. These persons must also be provided with a reasonable opportunity to present their views to the Local Authority.

For an individual race closure to be progressed, the Council's Water Race Sub-Committee requires that the initiator of the water race closure request obtain agreement from all affected property owners and provide Council with an 'Agreement to Close Water Race' form signed by all affected property owners.

Where a proposed closure has 100% support from affected land owners, the closure is generally considered to be of low significance therefore the 'inform/consult' end of Council's engagement spectrum as outlined in the LTP is considered appropriate. An affected property owner has been deemed to be those with a race on or adjacent to the property, regardless of whether the property is rated.

Once unanimous support is obtained from land owners, the closure request can proceed to public notification and the water race closure request is publicly notified.

Where a proposed water race closure has attracted 100% support and no further objections are received, the Sub-Committee will progress the closure once approved by Council.

2.2 Interested Parties Consultation

To allow any parties with an interest in water race closures to input into the process as required by S 82 (1 (a)) of the LGA, all race closures will be publically advertised for a minimum of 2 weeks in Council Call and on the Council website. Maps of proposed water race closures will be available to view at Council or on the website.

A letter will be sent to all directly affected property owners to notify them that the proposed closure has been approved to progress to public consultation.

Specific stakeholders identified as Department of Conservation, Fish and Game, Historic Places Trust (specifically where structures e.g. headworks are involved) and Ngāi Tahu will be directly provided with a copy of the above advertisement.

If interested parties wish to present their views there will be an opportunity to present to the Water Race Sub-Committee representatives. Should objections to an advertised closure be received, the hearing panel will consider the objection and its relevance to stockwater supply as part of their decision making.

A recommendation to Council was made to delegate powers to hear submissions to the Water Race Sub Committee and make recommendation on the significance of water race closures and agree closures not deemed significant.

Minutes from the Water Race Subcommittee meetings are available for public viewing on Council's website.

Formal public hearing will only occur if persons wish to be heard. Any objections to race closures on grounds other than stockwater supply will be considered during public hearing (if applicable) and the hearing decision confirmed by the Water Race subcommittee. Consideration will

need to be given to whether objectors are stockwater rate payers and directly or indirectly affected. Should a race be retained for reasons other than stockwater supply a different rating mechanism may be required.

Following any hearings, the Water Race Sub-Committee will make recommendations to Council, who will make a decision on approval of the closure.

2.3 Māori implications

Te Rūnanga O Ngāi Tahu's Freshwater Policy recognises the importance of providing a stockwater supply to communities. This principal is considered alongside a number of others which seek to protect the environment and its inhabitants. By proposing the closure of ineffective, inefficient and no longer required water race assets, Council is proposing to better balance the needs of rate payers, Iwi and the environment.

Mahaanui, The Iwi Management Plan (IMP) 2013, recognises the importance of the water race network and states that they should be managed as waterways including the protection of native fish values (Policy RH4.2). The IMP also highlights the loss of mahinga kai resources as an issue in TW6.

In support of these principals Council require that heavy stock (deer and cattle) is fenced from entering the water races and provides advice to landowners on how to provide stock access to drink without entering the channel, thereby improving water quality. Council provide opportunities for salvage of aquatic life prior to the formal closure of stockwater channels. Many of the channels proposed for closure have poor or intermittent supply. Closing unwanted channels (and relocating aquatic life) improves the habitat in the remaining channels and in some cases reduces the volume of water that is required to be extracted from the rivers.

In support of the principles outlined in the (IMP) Council are currently running a trial for installation of a fish screen at the Upper Kowai intake. Following successful completion of the trial, fish screens will be installed at all active intakes.

At the time of advertising closures, details of the proposed closure were provided to Te Taumutu Runanga via MKT. It should be noted that in general water races requested for closure are often tail end races (lateral races) where excess water is disposed of to ground. Where a water race feeds another water course further consideration will be given to impacts on that waterway.

2.4 Ecological Considerations

The Canterbury Water, Selwyn Wahiora Zone Implementation Programme acknowledges that Council are reviewing the operation of the stockwater race network and seeking opportunities for rationalisation while managing some races for biodiversity and community values.

The Implementation Plan supports race rationalisation and recognises the importance of reliable stockwater supplies while identifying opportunities for supporting an aquatic corridor from mountains to sea via water races and creating wetlands at discharge to ground locations.

The Ecological Assessment undertaken in the Ellesmere and Malvern schemes by EOS Ecology in 2011 identified that the Hororata Dunsandel Rd race has high ecological value with freshwater mussels, native aquatic invertebrate biodiversity. In response to the recommendations of this report, the following actions are being taken:

- The Department of Conservation are provided an opportunity to assess all races approved for closure to assess ecological value and undertake salvage of aquatic life if deemed beneficial
- The Water Race Sub Committee are considering options to retain and fund nominated races of high ecological value for environmental purposes
- A programme of fish screen installations have been funded for all active intakes starting with a trial at the Upper Kowai

Mahaanui, the Iwi Management Plan 2013 recognises the importance of the water race network for biodiversity and habitat for native freshwater fish. Where appropriate opportunities for assessment to determine whether salvage and relocation of fish and other mahinga kai species will be provided to DOC prior to a water race closure.

DOC have indicated that in general terms if a race has been dry for a period of time, low levels of aquatic life are expected to be present and limited to isolated pools.

Where DOC staff are not available to undertake salvage of aquatic life and it is deemed necessary, consulting companies exist that are equipped to undertake electrofishing, however this may attract significant cost. The Agreement to Close Water Race form states that the benefiting property owners are liable for their share of the costs associated with the closure.

3. Options

Where a request for water race closure is received, there are a number of potential options available to Council.

Table 2 – Alternative Options Considered

Option	Details	Advantage	Disadvantage
1. Water race closure	Race closure with the agreement of all affected land owners (rate payers on the race or directly adjacent to the race), subject to public consultation and reasoned consideration and response to issues raised during consultation.	Objective is achieved and wishes of rate payers considered.	Loss of rating income. Ecological values of races not maintained.
2. Piping of water race	Piping can be considered if downstream property owners wish to maintain supply. Piping to be funded by each landowner. Piping a water race will not maintain the ecological value of an open water race channel.	Supply to downstream property owners maintained.	Landowners responsible for maintenance of pipes with potential upstream impacts if not maintained. Higher cost to land owners. Ecological values of races not maintained.
3. Race relocation	Relocation could be considered if downstream property owners wish to maintain supply for stockwater purposes. Costs to be met by landowners.	Rating income retained.	Unlikely to achieve benefits of race closure required by land owners. Potential impacts on adjacent land owners. Cost to land owners.
4. Race retained	Do nothing races retained.	Rating income retained.	Needs of rate payers requesting closure not met.
5. Onsite alternatives	On site alternatives e.g. a well, could be considered if land owners wish to retain a stockwater service.	Stockwater supply retained.	High cost to property owners for installation and on-going maintenance. Ecological and other race values not retained.

These options are alternatives to closure of an open race if a downstream landowner requires a stockwater supply to continue.

4. Decision Making Criteria

4.1 Decision Making Considerations

The proposed water race closures included in table 1 have been considered against the criteria for assessing significance from the Significance and Engagement Policy contained in the LTP 2015/25 (see page 213-214 of the LTP):

Policy and Outcomes

- Council has indicated its intention to progress rate payer initiated water race closures. The proposed closures are not known to conflict with other Council policies or strategies
- The following community outcomes are considered relevant to proposed water race closures:

Table 3 – Community Outcomes

Community Outcome	Level of Support
A living environment where the rural theme of Selwyn is maintained	Rural land use is changing. The proposed water race closures are being driven by the Community in line with their changing needs, therefore water race closures support this community outcome.
Selwyn has a strong economy which fits within and complements the environmental, social and cultural environment of the District.	Council seeks to support existing agriculture and other land based sectors. Ceasing to operate inefficient and ineffective assets that are no longer required by the Community supports the local economy.

- Closing water races that are no longer required by the community, provides benefit to the rural communities of the District and reflects the changing needs of these communities.
- Closing water races represents a cost saving to Council and rate payers.
- There are no known impacts on Council's capacity to undertake its statutory responsibilities.
- There are no known inconsistencies with any existing policy, plan or legislation.

Communities

- Water race closures are generally driven by the Community. There is a high degree of interest from the Ellesmere Community in closing water races in this scheme.
- The number of property owners affected by each closure is detailed in table 1. Consultation to the wider community will occur along with notification of key stakeholders include Department of Conservation, Fish and Game, Environment Canterbury and Ngāi Tahu.
- Affected persons are directly consulted on all water race closures. These include rated and non-rated properties that have a water race on or adjacent to their property. Where a closure has attracted 100% support from directly affected property owner, the closure is considered to be of low significance.
- Council are considering the ecological impact of race closures by facilitating salvage of aquatic life where appropriate.
- It is not expected that proposed water race closures will generate wider national or international interest.

Ngāi Tahu

- The impacts on water race closures have been assessed against the Iwi Management Plan and Te Rūnanga O Ngāi Tahu's Freshwater Policy. These assessments are included in section 2.3 of this report.

Context and Implications

- An assessment of the options considered as alternatives to water race closure is included in section 3 of this report.
- The proposed water race closures are not expected to have any unintended consequences for community interests. The environmental, social and cultural impacts of the closures have been considered as outlined below:
 - a. Cultural interests – the race closures proposed are not considered to impact the character of the District they are often on private land and exist extensively in other parts of the District.
 - b. Social interests – water races on private property are not considered to provide amenity value to the wider community and their closure is therefore not considered significant. Race closures on the roadside may have some visual impact in areas with high amenity. Under Council's process, for a rate payer initiated race closure to proceed, all affected property owners (those with a race on or adjacent to their property regardless of whether they are rated for stockwater) are consulted and approval is required for closure to be progressed. Further public submissions are invited from the wider community.

- c. Economic interests – the proposed race closures will have no identifiable economic impact on the wider Selwyn District. Council and rate payers will benefit from operational and capital cost savings and Council will monitor the cumulative impact on rate revenue reduction.
 - d. Quality of the Environment – opportunities for salvage of aquatic life will be provided in consultation with the Department of Conservation prior to any race closure. Closing ineffective and inefficient races provides environmental benefit as discussed further in section 2.
- The proposed water race closures are not considered to impact a scarce resource. The provision of water for stock can generally be provided from alternative sources.
 - The proposed water race closures are considered as irreversible where they cross private property. Council do not hold easements for most water races and are unlikely to have the power to enforce reinstatement of water race channels on private property. However, stock water supply can generally be provided from other sources.
 - By undertaking public consultation on the proposed water race closures, Council will establish whether the proposed closures are considered controversial.
 - All water race closures will be progressed following appropriate consultation in a timely manner
 - Closures that have attracted 100% support do not present uncertainty or lack of clarity for Council. Council initiated closures being progressed to consultation with 70% support or greater attract some degree of uncertainty. Greater certainty will be obtained during the consultation period.
 - The proposed water race closures represent the following loss to each of the schemes:

Malvern

- Reduction in length of water races 2%
- Loss of targeted rates income 1.67%

- Based on the above assessment, staff recommend that the proposed closures are considered of low significance. The level of significance impacts the degree of consultation undertaken on the engagement spectrum. Council takes a conservative approach to consultation.

4.2 Cost Savings

Closures to date have typically been short lengths of lateral water race that are maintained by the property owners. Closure of these races have minimal impact on operational costs.

5. Further Information

For further information on the proposed closures, or to make a submission, please contact Council on 03 347 2800 or via waterraces@selwyn.govt.nz.

Any persons wishing to present their views to the Water Race Sub Committee should notify Council by **20 July 2018**.

APPENDIX A – WATER RACE MAPS

PROPOSED CLOSURE 1 –

Catherwood Closure 2422006101

