

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
	Ellesmere	B Symes / M Marshall	Heslerton Rd	4	3.0	0.16%
	Ellesmere	A Anderson	Crossgates Rd	5	3.2	0.13%
			TOTAL	9	6.2km	0.29%

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

- The proposed water race closures represent the following loss to each of the schemes:

Ellesmere

- Reduction in length of water races 0.70%
- Loss of targeted rates income 0.29%

- These two sections of race are maintained by the property owners. Closure of these races will have minimal impact on operational costs to the Ellesmere Stock Water Race Scheme.

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 requires that the initiator of the water race closure request obtain agreement from at least 80% of affected property owners and provide Council with an 'Agreement to Close Water Race' form signed by affected property owners.

Where a proposed closure has 80% 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.

Where a proposed water race closure has attracted 100% support and no further objections are received, the closure will progress 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, Fire and Emergency New Zealand, 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. Should objections to an advertised closure be received, a 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 Group Manager- Infrastructure and make recommendation on the significance of water race closures and agree closures not deemed significant.

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 Council. 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 Group Manager- Infrastructure will make recommendations to Council, who will make a decision on approval of the closure.

2.3 Ecological Considerations

The races proposed for closure will be assessed for ecological value.

The Canterbury Water, Selwyn Waihora 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 Ecological Assessment undertaken in the Ellesmere and Malvern schemes by EOS Ecology in 2011 identified that a number of races have 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 Council is 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 now have functioning fish screens

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. 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 on this matter should notify Council by **21 August 2020**.

2 - Crossgates Road

