

## Summary of Proposal – Water Race Closures September 2024

### 1. Proposed Closures

Council has received formal requests to close the sections of water race listed in Table 1 below.

The closure of these races is considered to be of low impact to the network. The closure of races in Table 1 will 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 stock water supply in these races will cease.

Details of each closure, including maps showing the location, can be found on the page referenced in Table 1.

**Table 1 – Proposed Water Race Closures**

Closure Ref.	Scheme	Road Name	Page Ref.	Approx. Closure Length (km)	Affected parties in Agreement	Closure involves strategic race(s)	Closure involves Ecological impacts
1	Malvern	684 Telegraph Road	4	3.02	88%	No	No
2	Malvern	987 Telegraph Road	5	2.2	100%	No	No
3	Malvern	Minchins Road	6	6.32	88%	No	No
4	Paparua	Highfield Road	7	5.73	100%	No	No

### 2. Impact of Closures

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

**Table 2 - Impact of Closure**

Water Race	Reduction in length (km)	Reduction in length (%)	Loss of targeted rate income (\$)
Paparua	5.73	1.39 %	1.78 %
Malvern	11.54	1.35 %	1.7 %
Ellesmere	0	0 %	0 %
<b>Total</b>	<b>17.27 km</b>	<b>1.11 %</b>	<b>1.3 %</b>

Closure of these races have been assessed for operational impact to each of the Selwyn District Stock Water Race Schemes. It has been determined disturbance and cost impact to operations and maintenance of each scheme will be minor.

### 3. Consultation Process

#### 3.1 Views of those affected

The Local Government Act (LGA) 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 landowners, the closure is generally considered to be of low impact, 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 access to 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.

It should be noted that the [Mahaanui Iwi Management Plan 2013](#) requires that stock water races are managed as waterways as per the Ngā Kaupapa / Policy RH4.2

***RH4.2 - To require that stock water races in the catchment are managed as waterways. This means:***

- (a) Water in stock water races is accounted for in catchment assessments of water use;*
- (b) Stock access is prohibited;*
- (c) Appropriately sized buffers and riparian margins; and*
- (d) Native fish values are protected, including fish passage.*

#### 3.2 Interested Parties Consultation

To allow any parties with an interest in water race closures to input into the process, as required by section 82 (1 (a)) of the LGA, all race closures will require:

- Public advertisement for a minimum of 3 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 to be sent to all directly affected property owners to notify them that the proposed closure has been approved to progress to public consultation.
- Specific partners/stakeholders, identified as Ngāi Tahu, Department of Conservation, Fish and Game, Fire and Emergency New Zealand, Environment Canterbury, Heritage New Zealand (specifically where structures e.g. headworks are involved) 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 at Council. Should objections to an advertised closure be received, a hearing panel will consider the objection and its relevance to stock water supply as part of their decision making.

A formal public hearing will only occur if persons wish to be heard. Any objections to race closures on grounds other than stock water 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 stock water rate payers and directly or indirectly affected. Should a race be retained for reasons other than stock water supply a different rating mechanism may be required.

### **3.3 Ecological Considerations**

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

The Canterbury Water, Selwyn Waihora Zone Implementation Programme acknowledges that Council are reviewing the operation of the stock water race network and seeking opportunities for rationalisation while managing some races for biodiversity and community values. By rationalising ends of the network this will help to have a more reliable network overall for the areas that remain and create areas that can sustain higher value.

The Ecological Assessment undertaken in the Ellesmere, Malvern, and Paparua schemes by ecologists in 2011 and 2022 identified that a number of water races have high ecological value with kākahi (freshwater mussels) among other native aquatic invertebrate species being present in the races. In response to the recommendations of these surveys and reports, the following actions are being taken:

- The Department of Conservation are provided an opportunity, via the key stakeholder consultation process, to assess all races proposed 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 or strategic importance.
- A programme of fish screen installations have been funded for all active intakes, which all now have functioning fish screens

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 they exist.

Where a salvage of aquatic life is deemed necessary, consulting companies exist that are equipped to undertake electrofishing and salvage. 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.

## **4. Further Information**

For further information on the proposed closures, or to make a submission, please contact Council on 03 347 2800 or via [SurfaceWaters@selwyn.govt.nz](mailto:SurfaceWaters@selwyn.govt.nz).

Any persons wishing to present their views on this matter should notify Council by **5pm on the 7<sup>th</sup> of October 2024**.

## 5. Appendix 1 – Closure Maps and Details

**Closure Reference: #1 - 684 Telegraph Road**

**Map and Location:**

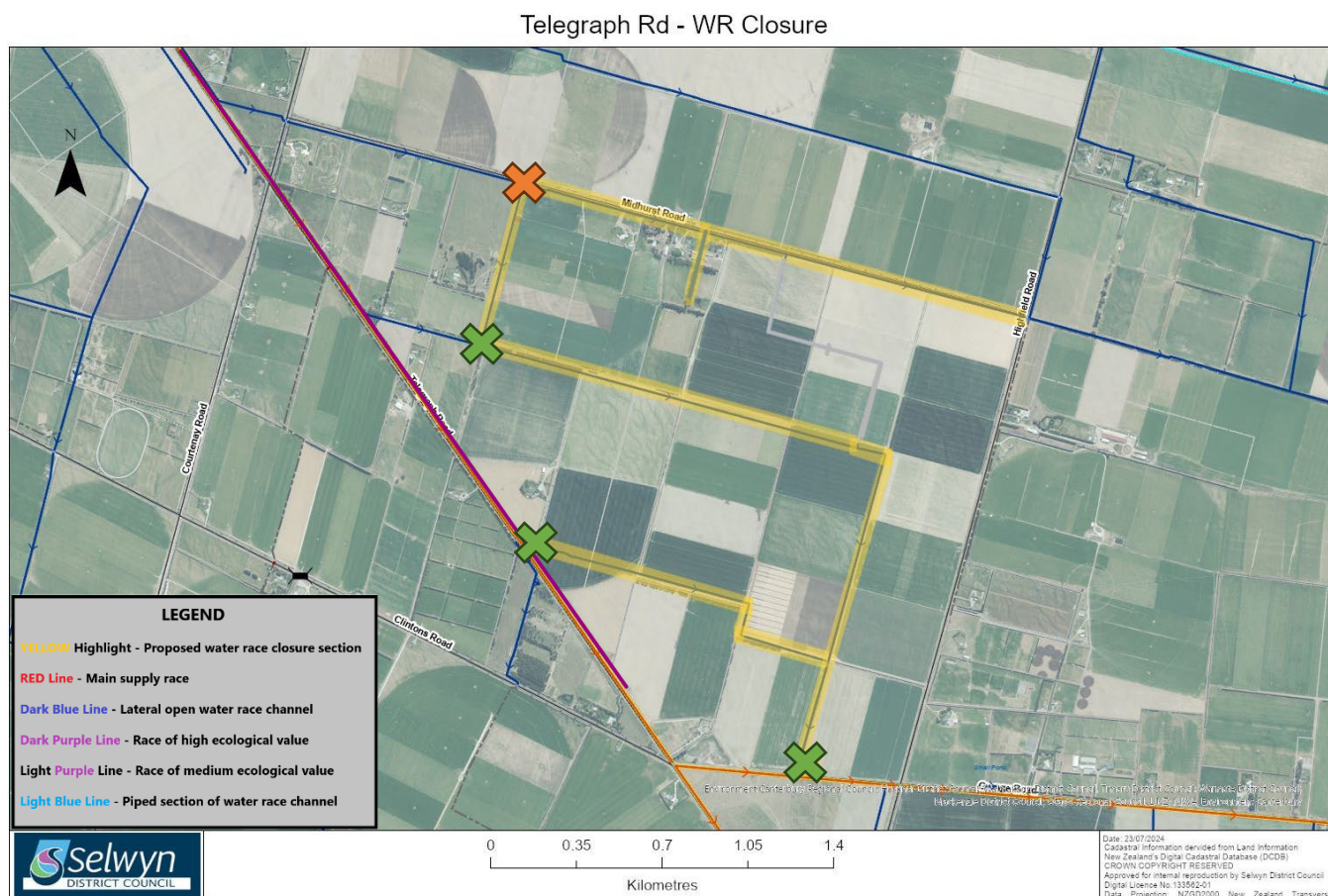


Figure 1: Proposed '684 Telegraph Road' Closure sections and plan. Orange X indicates the location of a new soakpit proposed. The green X's indicates positions of existing soakpits/termination pints or where a culvert has been sealed off from the main race.

**Scheme: Malvern**

**Length of Proposed Closure: 3.02 km**

**Application Received From: Pinevale Dairies Ltd**

**Number of Affected Properties: 8**

**Number of Properties agreed to Closures: 7 – 88 %**

**Percentage Loss of Rating Income per Scheme: 0.63 %**

**Reason for Closure:** Water races no longer needed by landowners. The lower sections of the race have not existed for over 10 years.

**Details of Closure:** Sections of the races have previously been shortened to its current termination points. One soakpit is proposed to terminate the remaining race between 171 and 215 Midhurst Road. Existing access for upstream water race users will remain in place.



**Closure Reference: #2 - 987 Telegraph Road**

**Map and Location:**

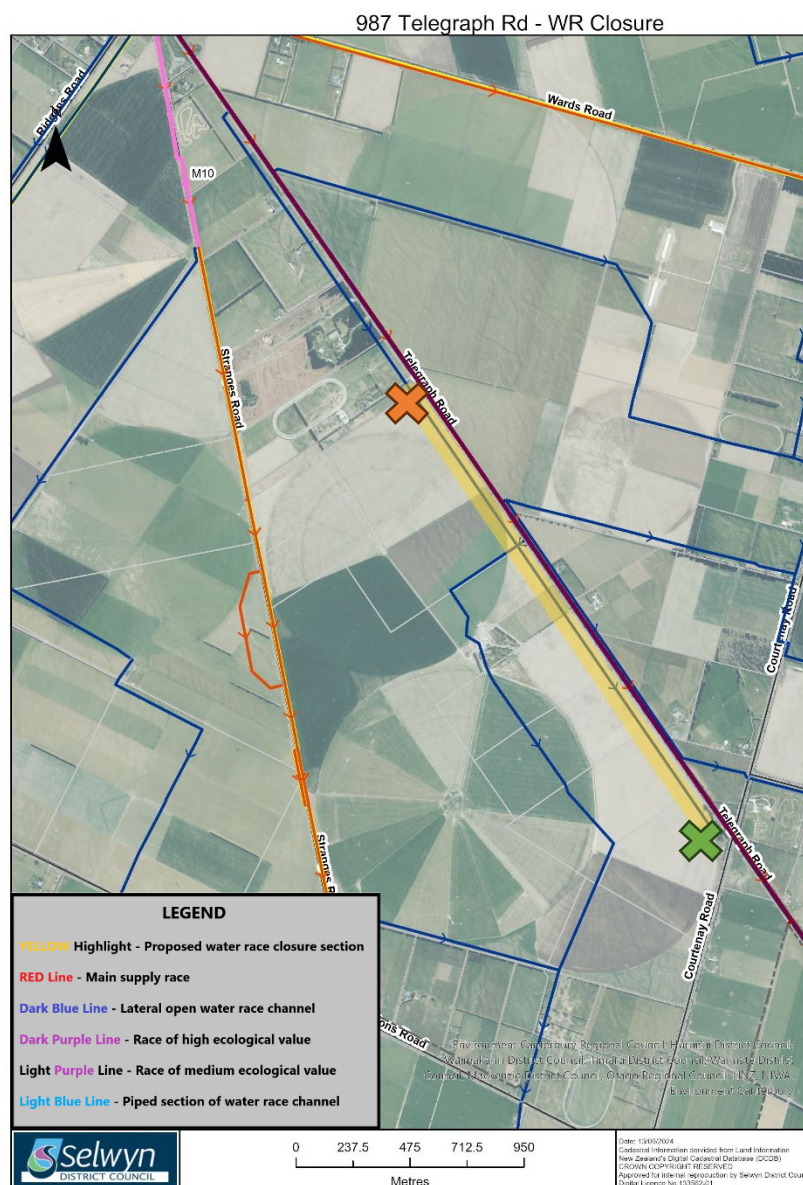


Figure 2: Proposed '987 Telegraph Road' Closure sections and plan. The orange X indicates the location of a new soakpit proposed. The green X indicates the position of an existing soakpit/race termination point.

**Scheme: Malvern**

**Length of Proposed Closure: 2.2 km**

**Application Received From: Rimanui Farms Ltd**

**Number of Affected Properties: 1**

**Number of Properties agreed to Closures: 1 – 100 %**

**Percentage Loss of Rating Income per Scheme: 0 %**

**Reason for Closure: Water race no longer needed by the landowner.**

**Details of Closure:** This is a minor lateral race. The landowner wishes to shift the termination point soakpit further upstream within the same property. Existing access for upstream water race users will remain in place.

**Closure Reference: #3 - Minchins Road**

**Map and Location:**

Minchins Rd - WR Closure

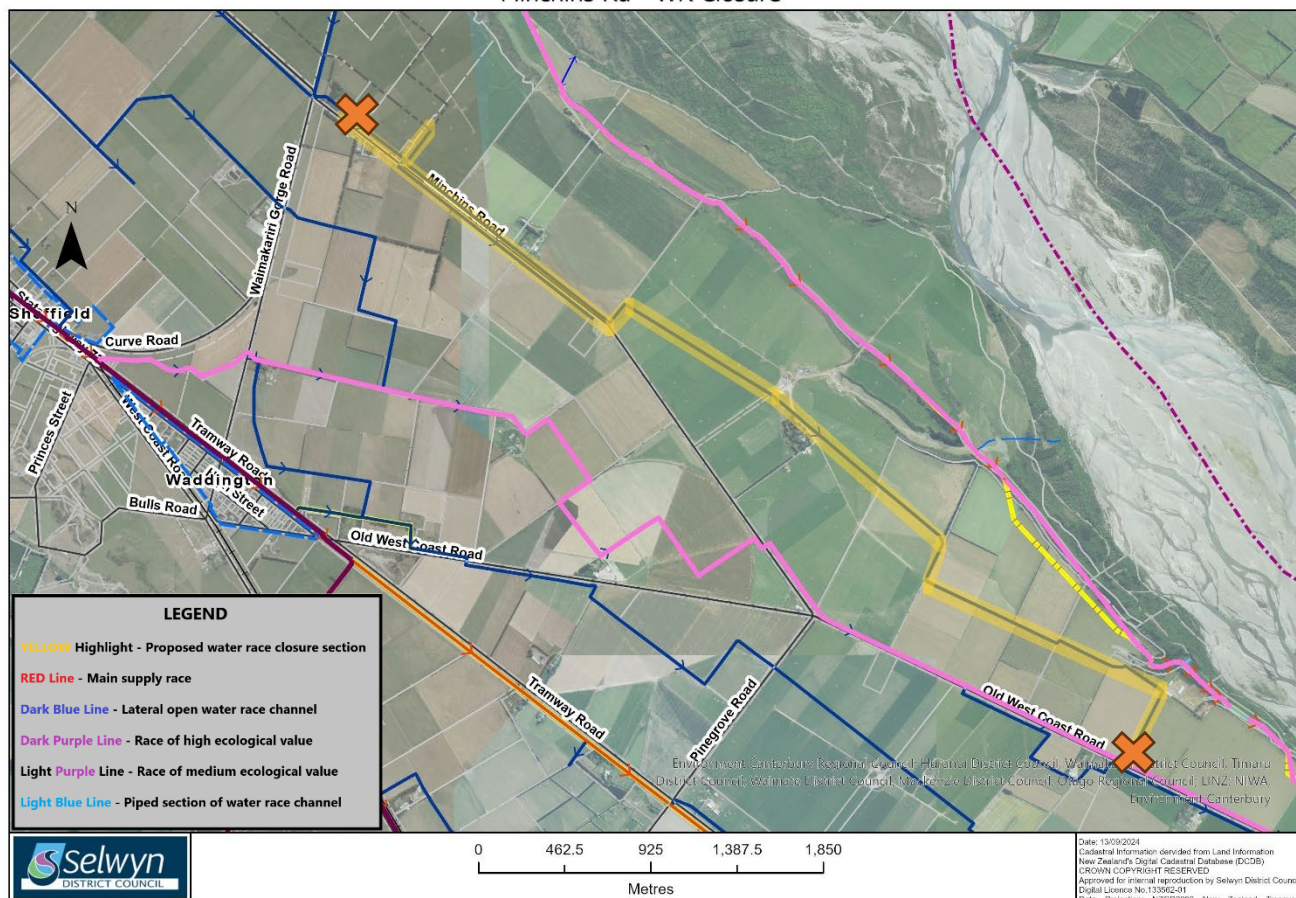


Figure 3: Proposed 'Minchins Road' Closure sections and plan. The orange X's indicate locations of new soakpits proposed.

**Scheme: Malvern**

**Length of Proposed Closure: 6.32 km**

**Application Received From: P&E Ltd Farm**

**Number of Affected Properties: 8**

**Number of Properties agreed to Closures: 7 – 88 %**

**Percentage Loss of Rating Income per Scheme: 1.07 %**

**Reason for Closure:** Water races no longer needed by landowners.

**Details of Closure:** Applicant is a majority landowner along the race with support from other affected parties. Decommissioning of the race will require a soakpit termination point upstream to be installed and may require upgrades to other sections of race that would be taking on the additional flows if the proposed race is closed. Existing access for upstream water race users will remain in place.



## Closure Reference: #4 - Highfield Road

### Map and Location:

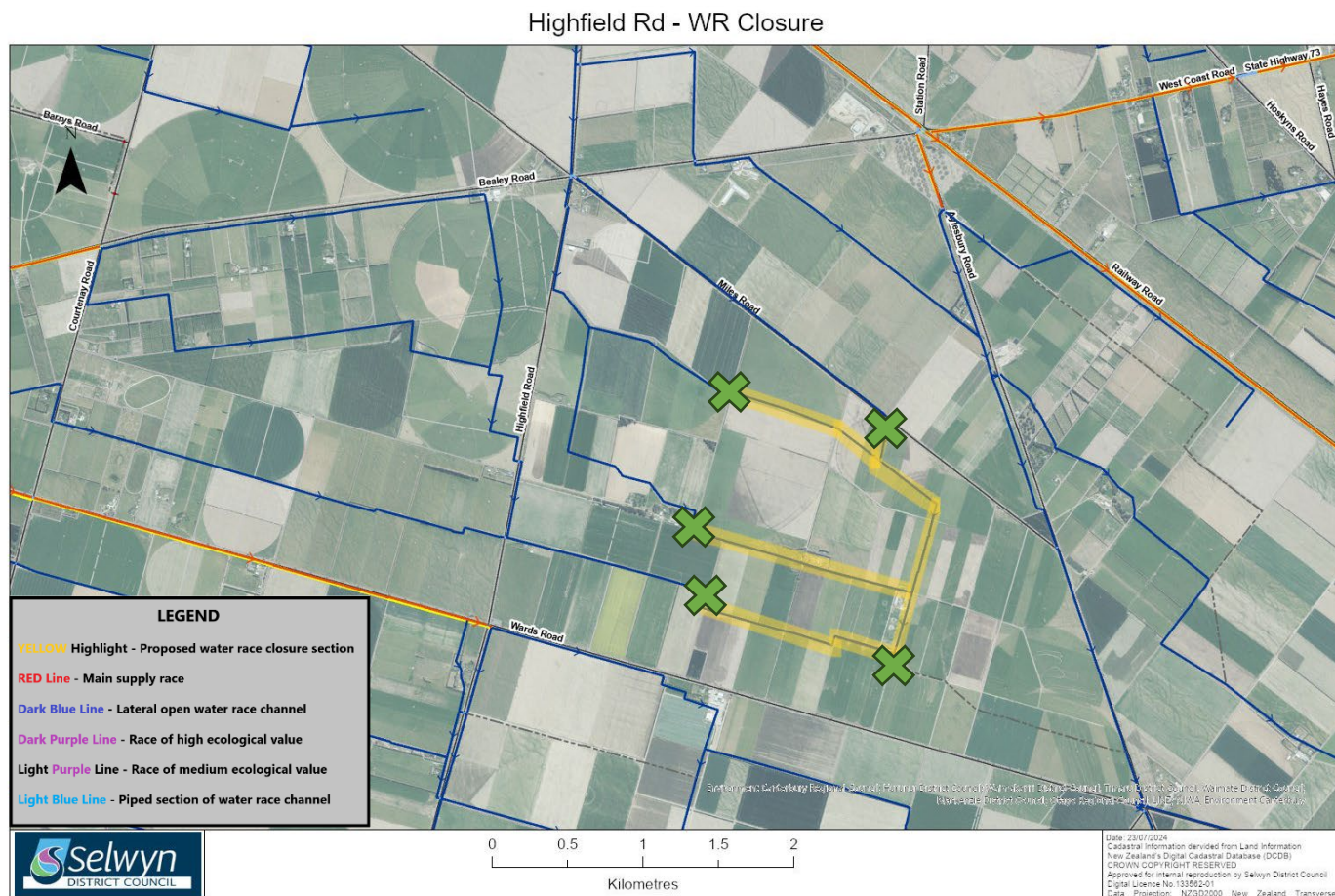


Figure 4: Proposed 'Highfield Road' Closure sections and plan. The green X's indicate positions of existing soakpits/race termination points.

**Scheme:** Paparua

**Length of Proposed Closure:** 5.73 km

**Application Received From:** Wydeacres Wagyu Ltd

**Number of Affected Properties:** 2

**Number of Properties agreed to Closures:** 2 – 100 %

**Percentage Loss of Rating Income per Scheme:** 1.78 %

**Reason for Closure:** Water races no longer needed by landowners. Alternative sources of stock water available.

**Details of Closure:** These are minor lateral races with 100% affected landowner support. These races have not flowed for many years. No specific closure actions are proposed as the races appear to be closed physically already.