

## Summary of Proposal – Water Race Closures December 2021 – January 2022

### 1. Proposed Closures

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

These races are considered to be of low significance and 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. Length Race (km)
1	Paparua	Goulds to Rattletrack Road	4	4.85
2	Malvern	Station Road	5	1.3
3	Paparua	Buchanans Road	6	0.42
4	Paparua	West Coast Road	7	0.15
5	Ellesmere	Pooles Road	8	1.73
6	Paparua	Days Road	9	0.8
7	Malvern	Creyke Road	10	0.13
<b>Total</b>				<b>9.34</b>

### 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	6.21	1.43%	0.49%
Ellesmere	1.73	0.52%	0.03%
Malvern	1.4	0.16%	0.19%
<b>Total</b>	<b>9.34km</b>	<b>(0.56%)*</b>	<b>0.71%</b>

\*Note = Total % reduction in length is compared to the entire water race network as a whole.

Closure of these races as 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 land owners, the closure is generally considered to be of low significance, and the Council will inform the wider community and consult directly with affected landowners and stakeholders. 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.

#### **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 Local Government Act (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 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 to 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 as 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, which will make a decision on approval of the closure.

### **3.3 Ecological Considerations**

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

The Canterbury Water, Selwyn Waihora Zone Implementation Programme acknowledges that Council is 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 is provided an opportunity 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.
- A programme of fish screen installations has been funded and all active intakes 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 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 [WaterRaces@selwyn.govt.nz](mailto:WaterRaces@selwyn.govt.nz).

Any persons wishing to present their views on this matter should notify Council by **21st January 2022**.

## **5. Appendix 1 – Closure Maps and Details**

**Closure Reference:** #01 Goulds Road – Rattletrack Road

**Map and Location:**

01 Goulds Road to Rattletrack Road



**Scheme:** Paparua

**Length of Proposed Closure:** 4.85km

**Application Received From:** Hughes Development Limited

**Number of Affected Properties:** 14

**Number of Properties agreed to Closures:** 13 – 93 %

**Percentage Loss of Rating Income:** 0.42%

**Reason for Closure:** To allow for fast tracking of residential development. Alternative sources of stock water available to downstream properties.

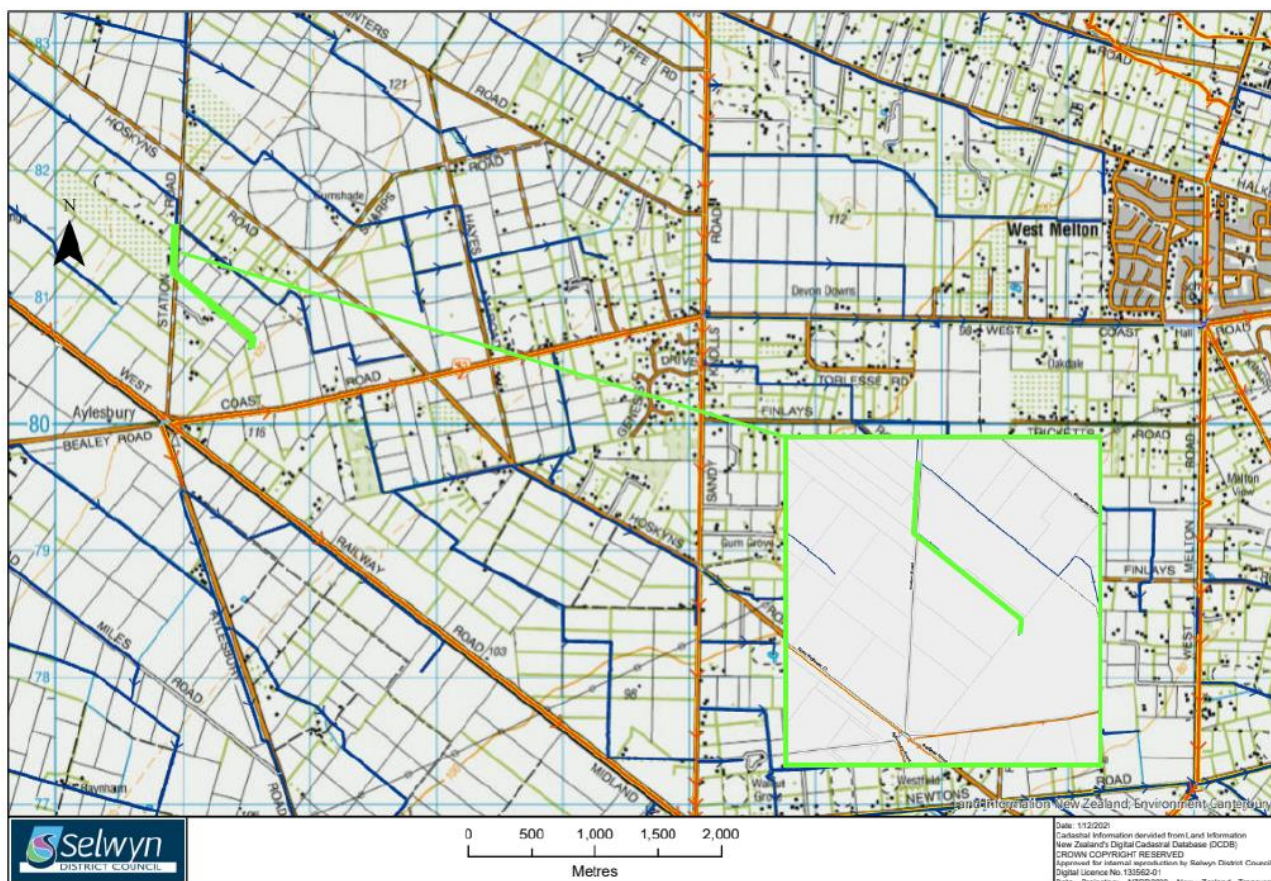
**Details of Closure:** This race currently terminates at Rattletrack Road and discharges to the classified Drainage network. Due to issues with sinkholes above Ellesmere Junction Road water rarely makes to the termination point. The closure will require a large soak pit to be installed at the termination point on corner of Goulds and East Maddisons Roads. No viable alternative options to closure are practical for this proposal.



**Closure Reference:** #2 Station Road

**Map and Location:**

02 Station Road



**Scheme:** Malvern

**Length of Proposed Closure:** 1.3 km

**Application Received From:** Aylesbury Walnuts Ltd

**Number of Affected Properties:** 5

**Number of Properties agreed to Closures:** 4 – 80 %

**Percentage Loss of Rating Income:** 0.19 %

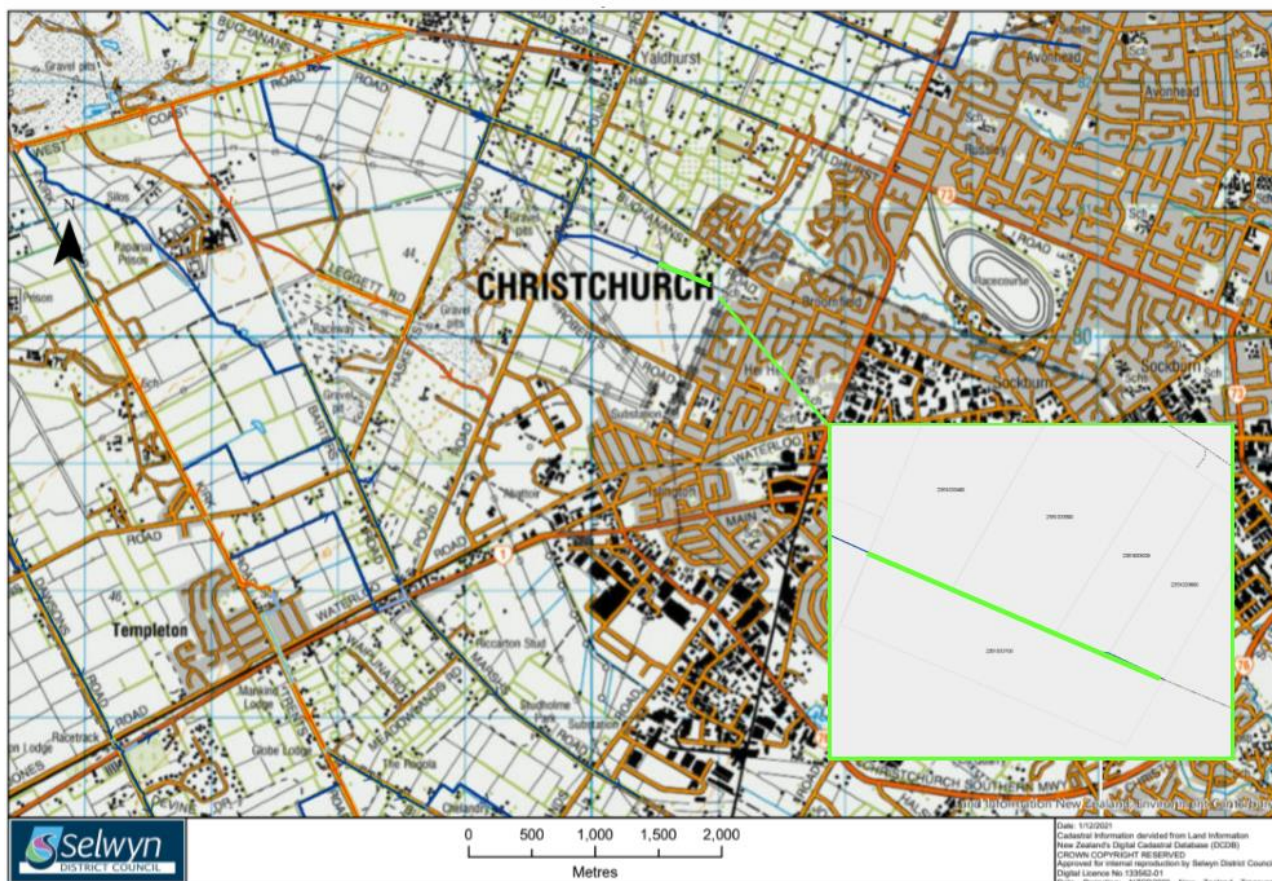
**Reason for Closure:** The landowners have no use for the water race and does not wish to pay water race rates

**Details of Closure:** This is a minor end of line race. The closure only requires the supplying divide to be shut off. No viable alternative options to closure are practical for the proposal.

**Closure Reference:** #3 Buchanans Road

**Map and Location:**

03 Buchanans Road



**Scheme:** Paparua

**Length of Proposed Closure:** 0.42 km

**Application Received From:** Maugers Mining

**Number of Affected Properties:** 1

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

**Percentage Loss of Rating Income:** 0.00 %

**Reason for Closure:** Land is being developed to allow for housing. Stock water is no longer required and the race currently terminates to ground within the property boundary.

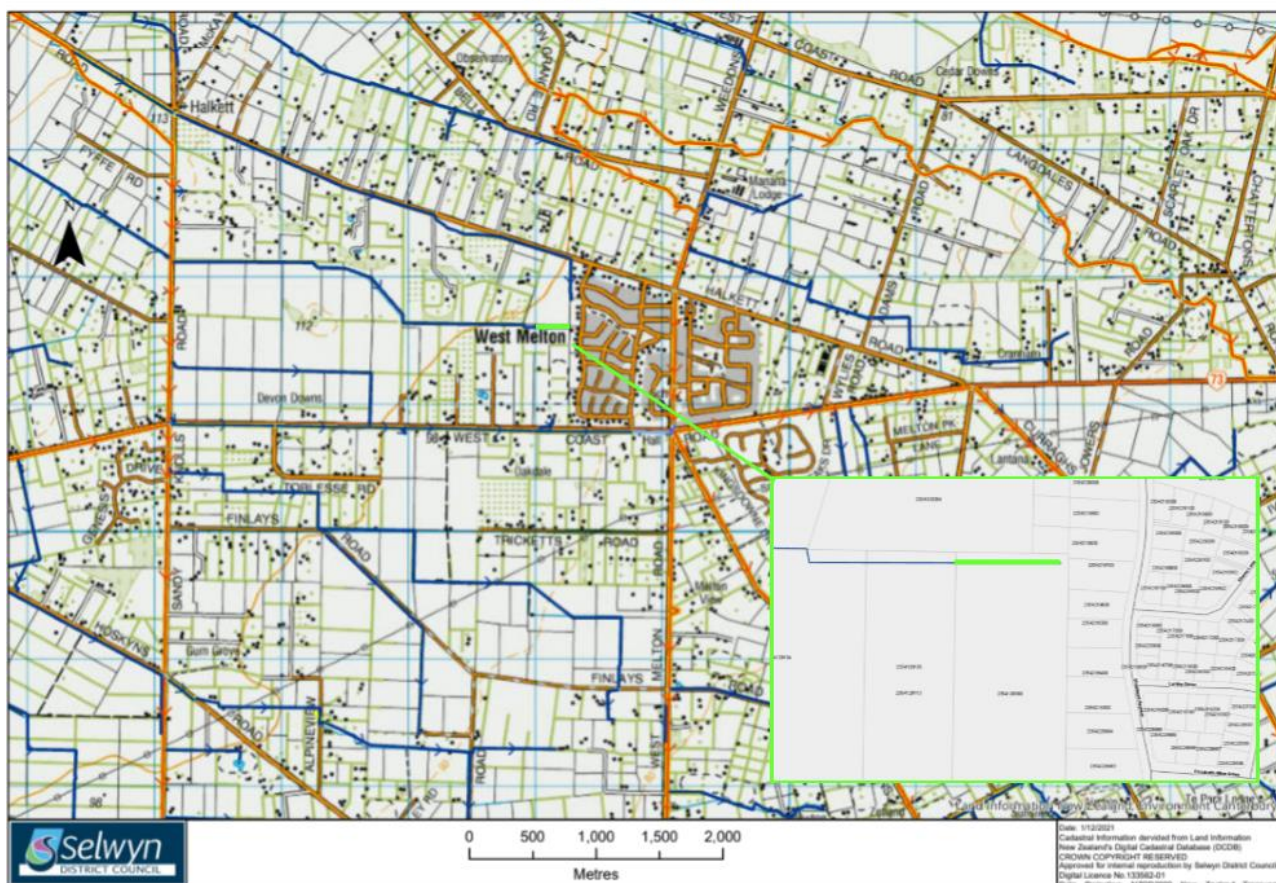
**Details of Closure:** This is a minor end of line race. The closure requires a soak pit to be installed at the termination point. No viable alternative options to closure are practical for this proposal.



**Closure Reference: #4 West Coast Road**

**Map and Location:**

**04 West Coast Road**



**Scheme: Paparua**

**Length of Proposed Closure: 0.15 km**

**Application Received From: R. Davies**

**Number of Affected Properties: 1**

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

**Percentage Loss of Rating Income: 0.02 %**

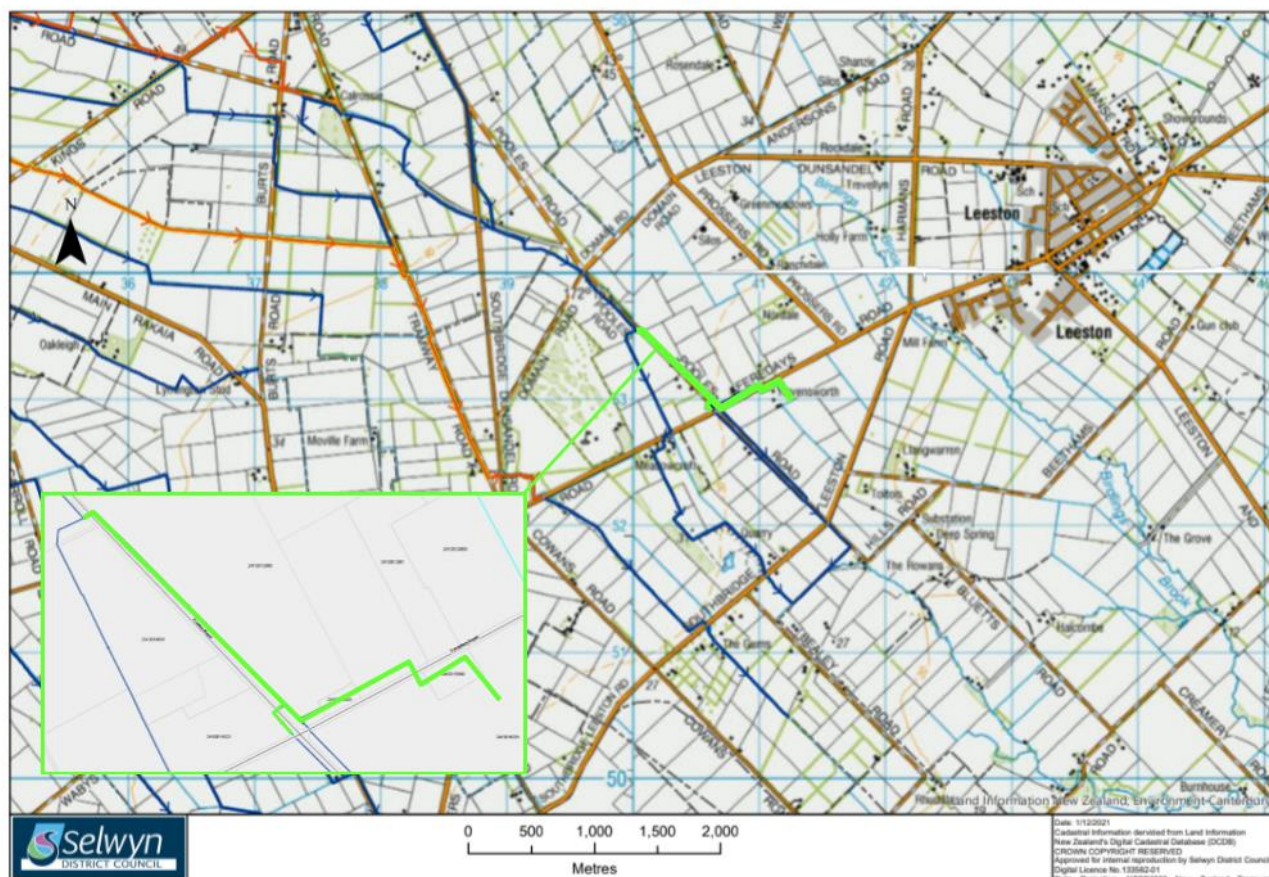
**Reason for Closure:** Land is being developed to allow for housing. Stock water is no longer required and the race currently terminates to ground within the property boundary.

**Details of Closure:** This is a minor end of line race. The closure requires a soak pit to be installed at the termination point. No viable alternative options to closure are practical for this proposal.

**Closure Reference:** #5 Pooles Road

**Map and Location:**

05 Pooles Road



**Scheme:** Ellesmere

**Length of Proposed Closure:** 1.73 km

**Application Received From:** P. Lowery

**Number of Affected Properties:** 3

**Number of Properties agreed to Closures:** 3 – 100 %

**Percentage Loss of Rating Income:** 0.03 %

**Reason for Closure:** Race is dry and no longer required for source as source of stock water.

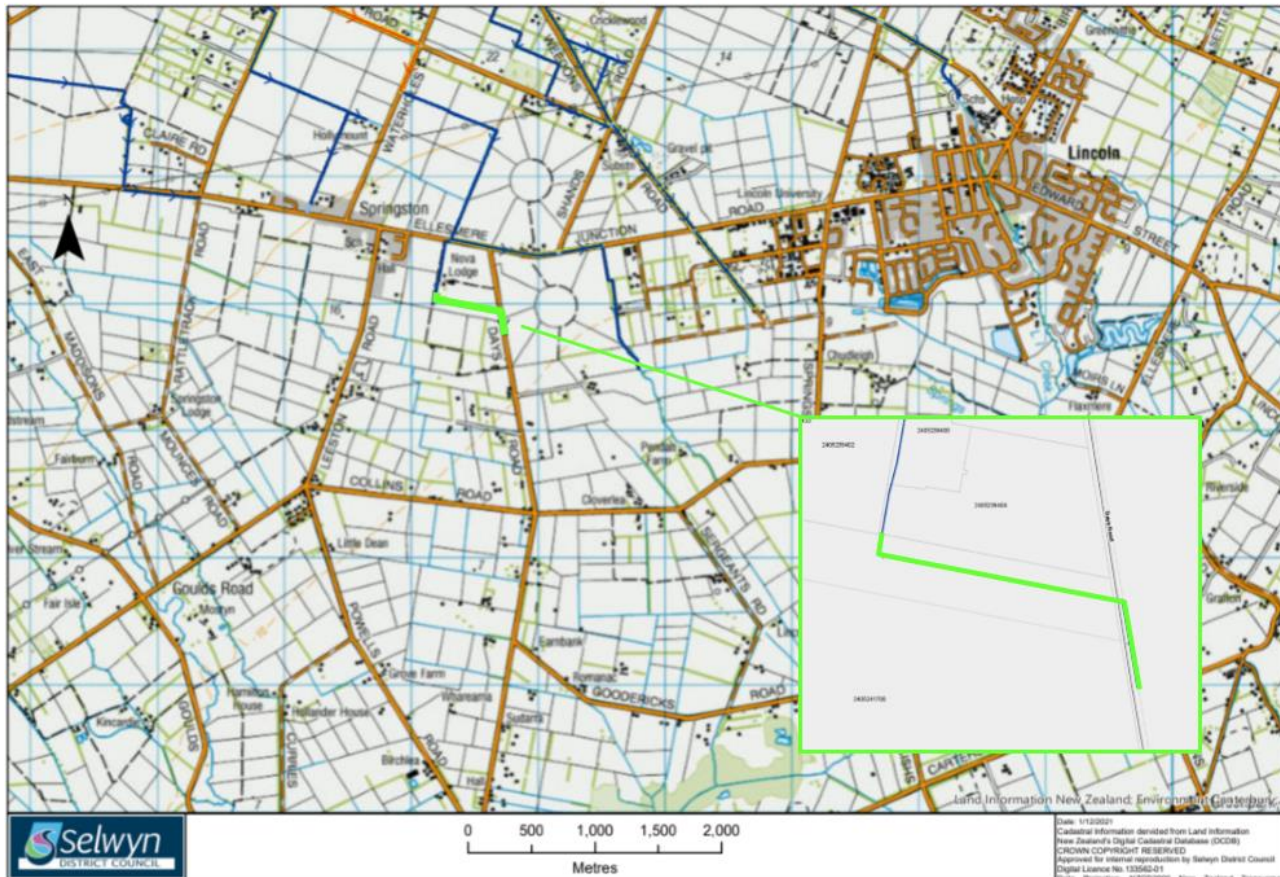
**Details of Closure:** This section of race has been dry for some time due to issues of sinkholes within the Ellesmere scheme. This is a retrospective closure.



**Closure Reference:** #6 Days Road

**Map and Location:**

06 Days Road



**Scheme:** Paparua

**Length of Proposed Closure:** 0.8 km

**Application Received From:** C. Sparks

**Number of Affected Properties:** 1

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

**Percentage Loss of Rating Income:** 0.04 %

**Reason for Closure:** This race has poor and unreliable supply.

**Details of Closure:** The race does not provide a consistent supply for the property owner. This race may top up flows in the adjacent classified drain on Days Road. Therefore, the channel will have to remain open as a stormwater channel.

**Closure Reference:** #7 Creyke Road

**Map and Location:**

07 Creyke Road



**Scheme:** Malvern

**Length of Proposed Closure:** 0.13 km

**Application Received From:** C Hopper

**Number of Affected Properties:** 1

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

**Percentage Loss of Rating Income:** 0.00 %

**Reason for Closure:** The race is dry and no longer serves purpose for this property.

**Details of Closure:** This race has been dry for the past year and does not top up the flow to the Creyke Road race any longer. This is a retrospective closure.