



AGENDA FOR THE

WATER RACE CLOSURE SUBMISSION

HEARING DELIBERATIONS

TO BE HELD IN THE

COUNCIL CHAMBERS

SELWYN DISTRICT COUNCIL

ROLLESTON

THURSDAY 29 MAY 2025

COMMENCING AT 9.00AM

Water Race Closures Submission Hearing Deliberations

29 May 2025

Attendees: Councillors L L Gliddon and S G McInnes, J Golden, Water Services Asset Manager, E McLaren, Water Asset and Management Workstream Lead, A Ross, Principal Asset Management Engineer, L Le Roux, Surface Water Environmental Engineer and D Prendergast, Assistant to Executive Director Infrastructure and Property.

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Public portions of this meeting are audio-recorded and livestreamed via the Council's YouTube channel.

The Severe Weather Emergency Legislation Bill has, until October 2024, suspended the requirement for members to be physically present to count as 'present' for the purposes of a quorum. Members attending by means of audio link or audiovisual link are therefore able to be counted as present for the purposes of a quorum and able to vote. The recently enacted Local Government Electoral Legislation Act has made these emergency provisions permanent.

Whakataka te hau

Whakataka te hau ki te uru
Whakataka te hau ki te tonga
Kia mākinakina ki uta
Kia mātaratara ki tai
E hī ake ana te atakura
He tio, he huka, he hauhu
Tihei mauri ora!

Cease the winds from the west
Cease the winds from the south
Let the breeze blow over the land
Let the breeze blow over the ocean
Let the red-tipped dawn come with a
sharpened air, a touch of frost, a
promise of a glorious day.

Submitter Number 1

Full Name: N/A

Organisation: Te Ngāi Tūāhuriri Runanga

Wish to speak to the submission: Yes (Apology at Hearing)

Submission Received

1.0 Mana Whenua Statement

Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā and has done so since before the arrival of the Crown. The rangatiratanga of Ngāi Tahu resides within the Papatipu Rūnanga.

The Crown and Parliament have recognised the enduring nature of that rangatiratanga through:

- Article II of Te Tiriti o Waitangi (Te Tiriti);
- the 1997 Deed of Settlement (Deed of Settlement) between Ngāi Tahu and the Crown; and
- the 1998 Ngāi Tahu Claims Settlement Act (NTCSA) in which Parliament endorsed and implemented the Deed of Settlement.

The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act), Article II of Te Tiriti o Waitangi (Te Tiriti), the TRoNT Act, Ngāi Tahu Claims Settlement Act (NTCSA) 1998, and the 1997 Deed of Settlement (Deed of Settlement) between Ngāi Tahu and the Crown sets the requirements for recognition of tangata whenua in Canterbury.

As recorded in the Crown Apology to Ngāi Tahu in the NTCSA, the Ngāi Tahu Settlement marked a turning point, and the beginning of a “new age of co-operation”. The Crown apologised for its “past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries” and confirmed that it “recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”. This Cultural Advice Report is provided without prejudice to the High Court freshwater claim.

Each Papatipu Rūnanga has their own respective takiwā, and each is responsible for protecting the tribal interests in their respective takiwā, not only on their own behalf of their own hapū, but again, on behalf of the entire tribe.

The following Rūnanga hold mana whenua over the project's location, as it is within their takiwā:

- Te Ngāi Tūāhuriri Rūnanga
- Te Taumutu Rūnanga

2.0 Summary of Proposal

Selwyn District Council has received a request to close three sections of the Malvern and one section of the Paparua stock water race scheme. The proposed closures are detailed below:

- Closure #1: 3.02 km of race through 8 properties between Telegraph Road and Midhurst Road.
- Closure #2: 2.2 km of race through 1 property between Telegraph Road and Stranges Road.

- Closure #3: 6.32 km of race through 8 properties between Minchins Road and Old West Coast Road.
- Closure #4: 5.73 km of race through 2 properties between Highfield Road and Aylesbury Road

The water races proposed for closure will be assessed for their ecological value. It is understood that this has not yet occurred.

Council has publicly advertised these closures to provide an opportunity for interested parties to seek relevant information and present their views to Council. A formal public hearing will only occur if persons wish to be heard. The public notification period ends on 7th October 2024.

3.0 Consultation Methodology

Mahaanui Kurataiao Limited review the application documents and undertake an assessment of the application against the Mahaanui Iwi Management Plan.

A briefing report is prepared for Kaitiaki representatives who have been mandated by the Papatipu Rūnanga they represent to speak on behalf of hapū on environmental issues.

A Mahaanui Kurataiao Limited staff member meets with Kaitiaki representatives to discuss the application and Kaitiaki provide feedback based on Mātauranga Māori.

The Cultural Advice Report is provided to outline the relevant policies in the Mahaanui Iwi Management Plan and the feedback provided by Kaitiaki representatives.

The relevant policies and Kaitiaki feedback for this application are provided in the following sections of this report.

4.0 Mahaanui Iwi Management Plan 2013

The Mahaanui Iwi Management Plan (IMP) is a written expression of kaitiakitanga, setting out how to achieve the protection of natural and physical resources according to Ngāi Tahu values, knowledge, and practices. The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority.

Natural resources – water (waterways, waipuna (springs), groundwater, wetlands); mahinga kai; indigenous flora and fauna; cultural landscapes and land - are taonga to mana whenua and they have concerns for activities potentially adversely affecting these taonga. These taonga are integral to the cultural identity of ngā rūnanga mana whenua and they have a kaitiaki responsibility to protect them. The policies for protection of taonga that are of high cultural significance to ngā rūnanga mana whenua are articulated in the IMP.

The policies in this plan reflect what Papatipu Rūnanga support, require, encourage, or actions to be taken with regard to resolving issues of significance in a manner consistent with the protection and enhancement of Ngāi Tahu values, and achieving the objectives set out in the plan.

The relevant Policies of the IMP to this proposal have been identified as:

5.1 KAITIAKITANGA

RECOGNITION OF MANAWHENUA

K1.1 Ngāi Tahu are the tāngata whenua who hold manawhenua across Ngā Pākihi Whakatekata

o Waitaha and Te Pātaka o Rākaihautū.

K1.2 Te Rūnanga o Ngāi Tahu is the tribal authority representing the collective of Ngāi Tahu whānui as per the Te Rūnanga o Ngāi Tahu Act 1996 and Ngāi Tahu Claims Settlement Act 1998.

K1.3 Papatipu Rūnanga are the regional collective bodies representing the tāngata whenua who hold manawhenua and are responsible for protecting hapū and tribal interests in their respective takiwā.

TE TIRITI O WAITANGI

K2.3 In giving effect to Te Tiriti, government agencies and local authorities must recognise and provide for kaitiakitanga and rangatiratanga. As the tāngata whenua who hold manawhenua, Ngāi Tahu interests in resource management extend beyond stakeholder or community interests.

Comment: *Kaitiakitanga is fundamental to the relationship between Ngāi Tahu and the environment. Te Tiriti o Waitangi guarantees tāngata whenua the right to fulfill their kaitiaki obligations to protect and care for taonga in the environment, including land, waterways, natural features, wāhi tapu and flora and fauna with tribal areas.*

5.3 WAI MĀORI

TĀNGATA WHENUA RIGHTS AND INTERESTS IN FRESHWATER

WM1.1 Ngāi Tahu, as tāngata whenua, have specific rights and interests in how freshwater resources should be managed and utilised in the takiwā.

WM1.4 To require that local authorities and water governance bodies recognise that:

- (a) The relationship of tāngata whenua to freshwater is longstanding;
- (b) The relationship of tāngata whenua to freshwater is fundamental to Ngāi Tahu culture and cultural well-being;
- (c) Tāngata whenua rights and responsibilities associated with freshwater are intergenerational; and
- (d) Tāngata whenua interests in freshwater resources in the region are cultural, customary and economic in nature.

CHANGING THE WAY WATER IS VALUED

WM2.1 To consistently and effectively advocate for a change in perception and treatment of freshwater resources: from public utility and unlimited resource to wāhi taonga.

WM2.2 To require that water is recognised as essential to all life and is respected for its taonga value ahead of all other values.

REGIONAL WATER INFRASTRUCTURE

WM9.6 To ensure that the effects of any proposed regional water infrastructure scheme are assessed with reference to the objectives for ecological and cultural health of waterways in the takiwā (i.e. what should be there), rather than the existing degraded state of the resource. The existing degraded condition of a waterbody cannot be used as a basis for allowing further adverse effects to occur.

DRAIN MANAGEMENT

WM14.1 To require that drains are managed as natural waterways and are subject to the same policies, objectives, rules and methods that protect Ngāi Tahu values associated with freshwater, including:

- (a) Inclusion of drains within catchment management plans and farm management plans;
- (b) Riparian margins are protected and planted;
- (c) Stock access is prohibited;
- (d) Maintenance methods are appropriate to maintaining riparian edges and fish passage; and
- (e) Drain cleaning requires a resource consent.

Comment: *Water is a significant cultural resource, connecting Ngāi Tahu to the landscape, culture and traditions of the tūpuna. Wai is a taonga, and a life giver of all things. The protection and enhancement of wai is, therefore, of upmost importance to tāngata whenua. The RMA recognises the relationship of Māori to freshwater as a matter of national importance.*

5.5 TĀNE MAHUTA

MAHINGA KAI

Ki Uta Ki Tai

TM1.4 To promote the principle of Ki Uta Ki Tai as a culturally appropriate approach to mahinga kai enhancement, restoration and management, in particular:

- (a) Management of whole ecosystems and landscapes, in addition to single species; and
- (b) The establishment, protection and enhancement of biodiversity corridors to connect species and habitats.

Freshwater management

TM1.5 To require that freshwater management recognises and provides for mahinga kai, by:

- (a) Customary use as a first order priority;
- (b) Restoring mahinga kai values that were historically associated with waterways, rather than seeking to maintain the existing (degraded) mahinga kai value of a waterway; and
- (c) Protecting indigenous fish recruitment and escapement by ensuring that waterways flow Ki Uta Ki Tai and there is sufficient flow to maintain an open river mouth.

INDIGENOUS BIODIVERSITY

Significance

TM2.4 To require that criteria for assessing the significance of ecosystems and areas of indigenous biodiversity recognise and provide for ecosystems, species and areas that are significant for cultural reasons.

Biodiversity corridors

TM2.9 To advocate for the establishment of biodiversity corridors in the region, Ki Uta Ki Tai, as means of connecting areas and sites of high indigenous biodiversity value. Ecosystem services

TM2.10 To require that indigenous biodiversity is recognised and provided for as the natural capital of Papatūānuku, providing essential and invaluable ecosystem services.

Comment: *Ngāi Tahu has a particular interest in indigenous biodiversity, both for its inherent value on the landscape and the ecosystem services it provides, and with regard to mahinga kai. The relationship between tāngata whenua and indigenous biodiversity has evolved over centuries of close interaction and is an important part of Ngāi Tahu culture and identity.*

4.1 Guidance to Moderate Impacts on Cultural Values

The above policies from the Mahaanui Iwi Management Plan provide a framework for assessing the potential negative impacts of the proposed activity on cultural values and provide guidance on how these effects can be moderated.

Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga have a unique and abiding interest in the sustainable management of te taiao – the environment. Wai māori (freshwater) is a taonga of Ngāi Tahu, governed under the domain of rangatiratanga and defined by Ngāi Tahu tikanga and ritenga. Accordingly, Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga hold rangatiratanga over wai māori within water race systems. Water connects Ngāi Tahu to the landscape and the culture and traditions of the tūpuna. All water originated from the separation of Rangī and Papatūānuku and their continuing tears for one another.

As kaitiaki, Ngāi Tahu have a responsibility for the sustainable use and management of natural resources and the environment. Kaitiakitanga is the basis for tāngata whenua perspectives on land management, and is expressed through several key principles, or cultural reference points. The principles enable an approach to land management that recognises the relationships and connections between land, water, biodiversity, and the sea (Ki Uta Ki Tai), the need for long term intergenerational thinking (mō tātou, ā, mō kā uri ā muri ake nei), and the importance of working with the land and recognising natural limits and boundaries.

Managing stock water races as waterways is consistent with Ngāi Tahu policies that require drains to be recognised as waterways for the purposes of water management. While water races may not be highly valued in the wider community, they may function as mahinga kai habitat. All waterways, including water races, within Te Waihora catchment are of immense cultural importance to Ngāi Tahu. Changing the way water resources are valued must underpin and drive the changes needed in the way freshwater resources are managed and used. Water is a taonga, and the collective responsibility for protecting the mauri of this taonga is a fundamental principle of Ngāi Tahu freshwater policy.

Works relating to or impacting the mauri of water within water races must take into account the life supporting capabilities of the waterway. Aquatic life and biodiversity values (such as native freshwater fish, particularly mahinga kai species) within water races are considered as taonga by tāngata whenua. Water races can contribute to the wider network of mahinga kai habitat in lowland streams and drains. Aquatic life and biodiversity values must be acknowledged and provided for when assessing the potential closure of water races. Native fish and aquatic life within water race systems must be protected. Closure proposals must also consider the impacts on fish passage.

5.0 Position of Rūnanga

In terms of this response, Mahaanui Kurataiao has taken a targeted approach and only addresses matters of fundamental concern to Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga. The fact that Mahaanui Kurataiao has not commented on any particular matter should not be taken as support thereof and Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga reserve the right to comment on additional matters at a hearing or in the future.

Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga are opposed to the closure of three sections of the Selwyn District Council Malvern stock water race scheme and one section of the Selwyn District Council Paparua stock water race scheme and wish the consent authority to decline the proposals.

Te Ngāi Tūāhuriri Rūnanga do wish to be heard in support of their objection.

Te Taumutu Rūnanga do not wish to be heard in support of their objection.

Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

Submitter Number 2

Full Name: Thalia Jenkins

Organisation: N/A

Wish to speak to the submission: Yes

Submission Received

Dear Selwyn District Council,

My name is Thalia Jenkins, our family farm is called [REDACTED], the Jenkins family have proudly farmed this land for over 150 years. We have farmland on [REDACTED] Road, [REDACTED] Road and [REDACTED] Road within Sheffield. [REDACTED]. We have always been timely with our rates payments and will continue to do so. We have chosen not to irrigate as we believe the water belongs in our rivers and do not have water rights with Central Plains Water. However, we still maintain a thriving sheep and mixed cropping farm, without irrigation.

I am writing on behalf of myself and my father Peter [REDACTED] Jenkins. This letter is to formally and firmly oppose the closure of the 6.32km section of the Minchins Road water race, along with the other significant closure of the upper Sheffield race. In this letter I will focus specifically on the impact of the Minchins Road closure.

On the 16th September we were made aware of two public initiated water race closures that directly impact our stock water. It was during a friendly conversation my father had with [REDACTED], that we first gained knowledge of the proposed closures. The complete absence of communication, formal or otherwise, reflects poorly on those who have initiated the closure as well as the Selwyn District Council. These stock water races provide the only available source of clean, running water to our 1000 sheep. We breed and sell our lambs so have stock on our properties year-round that need water. This closure directly impacts our livelihood. I would like to note that these closures need support from 80% of the impacted parties before proceeding; we were not notified or consulted on the closure of the Minchins Road water race, despite being an affected landowner. This lack of communication and consideration is discourteous and impolite.

On the 18th September we had a face to face meeting with Luc from SDC, we sincerely appreciated him taking the time to come and sit down and provide space to hear our very serious concerns regarding the closure of the race. We know this landscape, we respect it, we nurture it, and we feel privileged to be a part of it. That kind of wisdom and understanding deserves respect and genuine consideration.

To give some context; I have a personal relationship with the Minchins Road water race, I am aware that may sound odd. I grew up catching eels and cockerbullies in this water race, it kept my friends and I cool in the summer months and created the backdrop to growing up in rural Sheffield. These days: my dog and I walk the water race daily, my dog loves a good swim and I relish watching the moving water, the small fish and invertebrates. I watch the resident kingfisher sitting on the powerlines before diving

into the water in search of sustenance. At this time of year, there are numerous ducks with their ducklings too.

The water races that are currently under imminent threat of closure have been running through the Canterbury Plains for more than 130 years. These waters are the veins of the Plains. In fact, my relatives were at the opening ceremonies all those years ago; the local school closed for the day, and it was a joyous occasion for the farmers and townspeople alike. These waters have been an ever-flowing, ever-present feature of my life; my father's life and my late grandfather's life. I struggle to envision a future landscape without this running water. It devastates me, on a deeply personal level, that a few farmers believe they have the right to remove this resource, this vital feature from our landscape.

Yes, these water races are artificial but over time these have become a living, thriving ecosystem in their own right. The water has provided a constant source of life for the fish, macroinvertebrates, ducks and a food source for herons and kingfishers to name a few. From the banks of the water races, birds, insects, rodents and mammals of all sizes drink the water they need to survive. There is a whole host of life that relies upon and has relied upon this water source. What happens if this resource is taken away? What other options are provided to all the affected creatures? I feel we are stewards of this land and these water races. It is our personal and collective responsibility to protect the surrounding environment and everything that breathes life within it. Protection will ensure a healthy, functioning environment for this generation and future generations alike.

The nearest body of water is the main race that runs through the centre of Sheffield; however, this is too fast flowing for some animals and insects to safely drink from. The race is also located parallel to a main road which could lead to unnecessary loss of life for those seeking water. One of the alternatives to stock water races is the use of water troughs; but this creates an entirely new set of challenges.

Most water trough designs are too deep and large for creatures to safely drink. We are currently nearing the end of lambing season; the majority of our lambs are far too small to be able to access troughed water. The tiny mouse or the feathered fantail would have no way of safely drinking water and the cumulative effect of numerous birds drinking from a single trough brings about disease. The H7 high pathogenicity avian influenza (HPAI) is currently affecting birds in the thousands in neighboring Australia, it is only a matter of time before this reaches the shores of New Zealand. In March this year, HPAI H5N1 was detected in dairy cattle in the United States. This means the use of solely troughed water presents serious implications to animal, bird and human health. What will the Malvern landscape look like if the only available water source is contained and stagnant within water troughs?

As the global and local environment changes, we are experiencing an increase in weather related events; specifically flooding. We [REDACTED] have had two large scale flooding events in the past 5 years (I can provide photos upon request). During these floods Woodlands Road and Minchins Road became a river, flooding our garage, sheds and farmland. In flooding events the water race is a vital resource because it carries away the flood water. Without a functioning water race our home would flood and so would our other tenanted properties ([REDACTED]). When I was growing up the flood water would be relatively clean, however with the invasion of dairy farms the flood waters are now contaminated with cow manure and run-off which poses a significant health risk to ourselves, our farm equipment and our animals.

I am acutely aware of the current economic climate; and I appreciate that farmers wish to minimize costs where possible. I believe this is the driving motivation behind these proposals to close water races. Most farmers around us now have access to Central Plains water and therefore see no personal benefit in the long-established ecosystems known as the stock water races. The future of our water races should not be decided based upon personal gain or loss whether that be financial or otherwise. This concept is selfish, ignorant and abhorrent. Who are we to decide that these are no longer needed? There may be some farmers in our district that no longer see the need for these water races, but that does not mean they are a wasted resource. These water races are a life source. These water races are not just for farmers, these are part of our community and environment.

As rate payers of almost \$30000 annually we do not believe that removing water races is the solution. We are comfortable paying our share to maintain our water races and ensure this vital resource is available for years to come. The closure of water races will be to the detriment of our area.

As farmers, we demand a lot from the Canterbury Plains. We take more than our share of water from the mighty Waimakariri river, we douse the earth in synthetic fertilisers and give the land no time to rest or rejuvenate. The intensification of farming, specifically dairy, only came about when irrigation was made possible, which has created an extremely high demand on this beautiful landscape. So much is taken from these lands and very little is returned. Maybe leaving the water races as they have been for the past century, is a small repayment the farmers of the Malvern area can give back to the Canterbury Plains. This land has given so very much already.

I write this letter to you primarily as a concerned resident of the Malvern district and secondly as a directly affected stock farmer. These water races deserve protection, the fish that live within deserve safe passage and the animals deserve access to water that sustains their lives.

These proposed closures will cause insurmountable ecological damage. If these closures are approved it will create a lasting, visceral and shameful wound on the face of the Canterbury Plains. I refuse to be a part of a society where personal stakes are held in a higher regard than that of our environment. I implore you to look at the vast and devastating impacts these closures will cause. It is not possible to put a cost on the health of our ecological environment.

I am more than comfortable to discuss my concerns at the upcoming council board meeting.

Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

Submitter Number 3

Full Name: Melisa Rusbatch

Organisation: N/A

Wish to speak to the submission: Yes

Submission Received

Hi there,

Please accept this as my submission against closing and discontinuation of the water races in local Selwyn areas.

Submissions were needed by 1 Oct.

Thanks

Melisa Rusbatch

Darfield

Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

Submitter Number 4

Full Name: Sarah Walters

Organisation: N/A

Wish to speak to the submission: Yes

Submission Received

The website link is not easy to follow as the September 2024 closures are between the June 2024 and April 2024 updates. We have also not seen any public advertisement.

We support the intention to update the maps for several water races which no longer exist, and have not for some time.

We do not consider the ecological considerations in closing parts of the scheme have been fully assessed and so are unable to support the closure in its current form. We would like alternative options to be investigated before a final decision made.

Nga mihi,

Scott and Sarah Walters

Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

Submitter Number 5

Full Name: Chris Brown

Organisation: N/A

Wish to speak to the submission: No

Submission Received

Re: Objection to Summary of Proposal – Water Race Closures Sept 2024 (Closure Ref 3)

Further to my email of 17 September 2024 I am writing to object to the proposed closure of the Minchins Rd water race.

I live at [REDACTED], an historic homestead built in 1905 at [REDACTED], Sheffield. The water race has supplied stock water to the Farm since the water race's inception. In addition, it has been used to irrigate the house gardens for many years.

We purchased the property in March 2018. Prior to us purchasing the property we understand the rear water race (see picture below) was illegally closed. This is consistent with it still showing as a current race on the Council maps. I am advised by the previous owner that [REDACTED] (not sure if any other land owners were involved) closed the race and bulldozed dirt into the race.



As you can see in the following Goole Maps photo the water race is no longer supplied. Nor does it appear to exist on the neighbouring dairy farm owned by the current applicant to close the Minchins Rd race.



When this race was closed it is my understanding that the Council did nothing to remedy the illegal closure of the race. The previous owner [REDACTED] organised with my immediate neighbour [REDACTED] to supply stock water to the North paddocks on our Farm. Shortly after we moved into the property, work was undertaken on stock troughs on the [REDACTED] dairy farm and our water supply was cut off. When I asked for it to be reinstated, I was told that it was an arrangement with the previous owner and that I needed to sort my own stock water. As a result of this and the illegal closure of the water race, I have been forced to supply stock water to these paddocks from our house water supply.

In 2018 and 2021 there were significant flooding events. With the above raced closed (and filled in) there is no capacity in that part of the water race to ameliorate floods. I am happy to supply photos/videos of the flood waters coming over Waimakariri Gorge Rd and onto our property. These have already been shown to Luc Leroux. If these races are gone the flood waters would have been even worse.

In respect of the current proposal the water race currently supplies stock water for part of our property, and also feeds the pond at the front of our historic homestead. Water is borrowed from the race, it flows into the pond and then returns to the race and has done so for approximately the last 100 years. See photo below.



There are lots of small fish in the water race and our pond (not sure of their type but they look like mud fish).

The water race provides water for farm stock, habitat for birds, insects, fish, frogs. It also provides a level of flood relief. These are just some of the benefits of the water race.

In the event the water races are closed it is my belief that the habitat loss will have significant impact on the local ecosystem. I have seen nothing in the application to close the race that indicates that any work has been done to assess the impacts on habitat. While I may be incorrect, it appears to be a purely financial request. There is no information on what needs to happen if the race is closed (eg: do land owners need to maintain water races to provide flood water courses? If not, and maybe even then, they will get filled in). Given that land owners have illegally closed the races in the past and the Council has done nothing about it, what comfort can we have that they would enforce any requirements going forward in the event the races were closed.

In the event the closure progresses I will be forced to;

- 1) Find a source of water for my stock.
- 2) Spend many thousand dollars (current indication is \$35,000 to instal power, pump and pipework to enable the pond to be retained). There will also be the cost of power to run the pump on an annual basis.
- 3) I will also need to spend money on an annual basis to clean the water race to ensure some level of flood water disbursement is maintained.

I understand that some farmers wish to close the race to reduce their operating costs and also to provide more land to graze dairy cows/grow crops. Where is the consideration to the impact on my financial position through the impact of this closure?

Process:

On the Council Website <https://www.selwyn.govt.nz/services/water/water-race/water-race-closure-requests/summary-of-proposal-water-race-closures> section 3

3. *The initiator of the closure request is required to **co-ordinate with all affected land owners** to provide the following documents to Council:*

Neither myself nor my neighbour [REDACTED] were consulted in relation to the proposed closure prior to the application being lodged. I have still not been approached by the initiator of this application. Using the Council's own rules this application should fail on these grounds alone.

It is my understanding that the rules require at least 80% of the affected property owners to give their approval. The proposal indicates that 88% of the affected property owners have approved this. Given that neither myself nor my neighbour [REDACTED] were consulted in relation to the proposed closure, nor have we given our approval, the maths indicates that there must be at least 16 affected property owners on this stretch of water race, 14 of whom have given their approval. I request clarification as to who the individual property owners are as I am not aware that there are this many individual property owners on this section of the race. There may be individual affected parties owning multiple land titles but I do not believe the intention of the wording is that these parties can have multiple votes. I am happy to lodge an Official Information request should this be necessary to obtain this information. Please advise urgently if this will be required.

I am also aware that another application has been lodged for the closure of the water race that feeds water to the race under consideration. As this is yet to be loaded onto the website, and that again, I have not been approached/consulted in relation to this proposed closure I am not yet in a position to comment in detail on this proposal. However, given that this water race provides the water to the Minchins Rd Water Race I am both surprised and disappointed that there appears to be little to no consideration for all of the affected parties as required by the rules and I will be lodging a formal objection to that proposal in the event it is formally proposed to be closed.

The Council needs to ensure that

- a) It fully considers all the relevant facts (eg: environmental, ecological, social and financial). This is not and cannot be solely a financial consideration as it appears to currently be.
- b) Ensure the rules are adhered to and in the event a race or part of a race is closed that the impacts on those affected parties are considered and appropriate mitigation and compensation is provided where those rights are impinged.

Yours sincerely



Chris Brown [REDACTED]

Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

Submitter Number 6

Full Name: David Te Kapa

Organisation: N/A

Wish to speak to the submission: No

Submission Received

To The Selwyn District Council.

My name is David Te Kapa

I live at [REDACTED] Sheffield and have for many years.

I firmly oppose the closure of the water race that runs in front of where I live.

Apart from being a living ecosystem in itself due to the population of birds and other animals that use it, I get to harvest watercress from it and when it's in abundance I get to share it with many older people who cannot pick any for themselves.

Also during winter, at least once a year this water race carries away flood waters during heavy rain events. If the water race is closed off, this house and garage where I live will definitely flood.

These water races are and give life.

Me Te Whakaute

D G Te Kapa

Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

Submitter Number 7

Full Name: Sean Rooney

Organisation: N/A

Wish to speak to the submission: No

Submission Received

A submission to Selwyn District Council

In response to Water Race Closures September 2024

29 September 2024

From
Sean Rooney



I do not request the opportunity to make an oral submission.

Position statement

I am a resident and rate payer in the Selwyn District. I have an avid interest in geography, and I am extremely concerned about the continued farming intensification on the Canterbury Plains and increasing damage to the natural environment.

Submission

Thank you for the opportunity to submit on this issue.

I **do not** agree with the intention to close the water races listed in Table 1 of the *Summary of Proposal – Water Race Closures September 2024*

| 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 | Malvern | Highfield Road | 7 | 5.73 | 100% | No | No |

The reasons that I oppose the proposal are:

- The closure of a water race should not be based just on the support from affected landowners because they no longer require the use of it. There are more important environmental issues at stake and there needs to be wider consultation with the community.
- No evidence has been supplied with the proposal to indicate that the water race closures involve no ecological impacts. The Mahaanui Iwi Management Plan 2013 states that water races provide habitat for native fish and other biodiversity,

contributing to the wider network of mahinga kai habitat in lowland streams and drains.

- The Canterbury Plains have been described as the most biologically deprived and most modified environment in Aotearoa due to the intensification of agriculture (S. Fitzgerald, 2023).
- Water races are the last and almost only visible bastion of the natural environment left on the Canterbury Plains (as both natural and cultural heritage) and must be protected (C. Meurk, 2024)
- The water races were constructed nearly 150 years ago and have captured through natural dispersal and establishment many of the wetland and riparian species that were otherwise subsequently eliminated from the plains - indigenous shrubs, harakeke, sedges, rushes, ferns, herbs, birds, lizards, fish, shellfish, and invertebrates.
- There is a report by EOS Ecology on water races for the Selwyn District, one for ECan by C Meurk (2023), and a Project on iNaturalist NZ – Water races of Canterbury, revealing the presence of almost 263 indigenous species.
- As outlined in the Mahaanui Iwi Management Plan 2013, water races are defined as an artificial watercourse used for the managed conveyance of water for stock water purposes and that they also provide habitat for native fish and other biodiversity.
- Managing stock water races as waterways is consistent with Ngāi Tahu policies that require that drains are recognised as waterways for the purposes of water management and should therefore be protected and not purportedly destroyed.

Recommendation

My recommendations are that Selwyn District Council should:

- Recognise that water races are natural wetland/riparian habitats and take measures to protect them.
- Progress to protecting what is left of our natural and cultural heritage. We have so little left on the Plains that spending a relatively small amount of money in the larger scheme of things should not influence the saving of these taonga.
- Develop a co-designed management regime bringing in the expertise/experience of Farmers, Council, Mana Whenua, Ecologists and Community who may wish to help, maintain and expand the protection of these water races.



Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

Submitter Number 8

Full Name: N/A

Organisation: P and E Ltd

Wish to speak to the submission: No

Submission Received

Submission on Proposed water race closures Sept 2024- 6.32km race in the Melvern scheme on Minchins road

This submission is presented on behalf of P and E Ltd which owns a significant proportion of the land holdings associated with the proposed water race closure on Minchins Road. The benefits of the water race system through the history/evolving farming practices on the Canterbury planes are significant and have allowed for subdivision and development in farm holdings over time but all things have there used by date and with the environmental and efficient benefits of alternative water sources, the time of water races is coming to an end.

Reasons why P and E supports this closure

1. Water races have become a liability in our system. The cost to P and E Ltd for water races is estimated to be \$50,000 incl rates and cleaning. We do not use this water race and it is fenced off.
2. As part of farm environment plans -water races need to be fenced off and it is not possible to get an A grade in the Audit process when using a water race for use for cattle in any capacity.
3. A large proportion of the water races have been diverted to run along the boundary of properties because of reason in 2 and because of levels etc sometimes go uphill or at least flat for a distance which means they silt up and are more expensive to maintain.
4. Because of 3. This results in low flows which means in more water being inserted at the top of the system causing spilling problems
5. With the changing environment in compliance and environmental standards a better use for the expenses water rates takes up in our Budget we would rather spend that money on better infrastructure, and technology that helps to progress to the goal of long-term environmental sustainability.
6. Simply waste of water. Given that water is fast becoming a commodity that is declining efficient use is extremely important. As farmers, we are judged on the efficiency of our irrigation systems and seems logical for the council to do the same with their resources. The losses of water out of the water race system will be severe and there is no doubt that the water entering the system if used elsewhere would be much more efficient and mean a better outcome for all ratepayers.

In Summary, the water race system has been successful in fulfilling its goals over time, but now it has become a liability for most who can't use it. Feasible alternatives such as the Sheffield Co-

operation agreement made by CPWL and the Selwyn District Council will continue to evolve once the water races have been made redundant.

Regards P and E Ltd

Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

Submitter Number 9

Full Name: Stuart Wright

Organisation: N/A

Wish to speak to the submission: No

Submission Received

Submission on proposed water race closures September 2024

Closure Ref 3

This submission is presented on behalf of the group of ratepayers who applied for the closure of the water races north of Tramway Road in the Sheffield area from Keens Road to Redmonds/Bleakhouse Roads. In this group are 12 farming operations covering approximately 3000ha plus a number of smaller block holders also within this water race supply area.

The closure listed for consideration is part of that application.

Water race history.

The group acknowledges the value the water race system has historically brought to the area since its inception in the later part of the 19th century enabling the farming of livestock on the upper plains and the supply of water to farm houses where there was no previous reliable source of water. This enabled the subdivision of the large runs and the development of many of the farms as we know them today.

Reasons for closure

As the water race system was seen as a major change in land use and the way farms were managed so have recent developments in farming systems and the in particular the introduction of irrigation to the Sheffield area in 2017. The implementation of those changes has meant that presence of water races for almost all the farms in this area has become a liability rather than an asset. The reasons for this are as follows.

1. As modern farming systems have been adapted so has the scale of paddocks been increased to accommodate much larger farm machinery and irrigation systems, especially centre pivots. This has led to an increase in paddock size often to in excess of 20ha. The result of this major restructure of internal farm paddock boundaries has often meant the closure of many smaller water races and the realignment of others from their original course, often across the contour.
2. Dry land Canterbury farming livestock systems were traditionally based around sheep. While they are still important today there has in recent years been a significant swing to cattle. We now have 4 dairy farms in the group this submission represents, and the remainder are often providing dairy support or running beef cattle during different periods of

the year. Under the environmental rules set by Environment Canterbury that we now farm under, cattle are to be excluded from all stock water races. Added to that is the requirement for all CPWL shareholders to have a Farm Environment Plan that requires stock to be excluded from water ways. This is audited on a regular basis by the irrigation company. Over 99% of shareholders have received either an A or B rating meaning they are meeting that requirement. The result of this is that on many of these farms water races are now effectively redundant.

3. As noted above in 2017 the CPWL irrigation scheme was commissioned. Stock water supply was a part of the CPWL Sheffield irrigation scheme and all irrigated farmers that take CPWL Sheffield water now have a reliable year round supply of stock water through that system.

4. One of the troubling issues affecting this scheme is that many farmers are no longer regularly cleaning their races as required under the SDC water race rules. This leads to a lack of flow at times meaning more water is released into these races to force the flow further down the system. The result is that the farmers at the top of the scheme are being flooded due to the increased water flow. These farmers are having to clean races twice a year to avoid that flooding adding a significant cost to them which is not met by those that avoid regular race cleaning. Clearly inequitable.

5. Cost. As outlined above many farmers are no longer able to use water races because of their farming system but are required to still pay a water race rate at \$21/ha plus a \$418 service charge per rateable area. In excess of \$70,000 a year for the group I submit on behalf of.

This submission acknowledges that should the water race system in this area be shut down that there must be an alternative stock water system supplied to those people that are not part of the CPWL irrigation scheme. It is reassuring that that the SDC and CPWL foresaw this possibility and entered into the SDC & CPWL Sheffield Water Co-operation Agreement.

While an outstanding and successful water race system for many years providing a vital service that enhanced our farms it is now unfortunately becoming a liability rather than an asset. Many farmers can't actually use it. There is an alternative supply system already in place paid for by the very farmers that are required to pay to maintain the water races. Like the horse and cart as a transport system these water races have had their day.

I would like to submit in person to the council committee that is considering this closure only if there is another request for a verbal submission.

Stuart Wright

Staff Comment:

Thank you for your submission and for taking the time to share your views with Council. We value your input and acknowledge the matters you have raised. Council is committed to listening to its communities and balancing a wide range of values and needs. Your feedback has been noted and will help inform future decisions and ongoing improvements in the management of water races across the district.

REPORT

TO: Chief Executive
FOR: Council Meeting – 23rd October 2024
FROM: Kate Attwood – Surface Water Lead
DATE: 14th October 2024
SUBJECT: PUBLIC INITIATED WATER RACE CLOSURES

RECOMMENDATIONS

That the Council:

- a. *'Approve the closure of one length of water race, referred to as the Pound Road closure, consisting of approximately 2.3 km across the Selwyn District Council Stock Water Race Network;*
- b. *Does not approve the closure of one length of water race, referred to as the Minchins Road closure, consisting of approximately 6.32 km across the Selwyn District Council Stock Water Race Network; and*
- c. *Forms a hearing panel, consisting of at least two Councillors to be nominated, to hear submissions and consider the proposals to close three sections of water race, referred to as the 684 Telegraph Road, 987 Telegraph Road, and Highfield Road closure applications respectfully that have received objections during the public consultation process.'*

1. PURPOSE

That Council consider this report regarding the above stock water race closure applications and implement the above recommendations.

Council has received applications from private landowners proposing the closure of sections of stock water race within the Council's stock water race network. All closure requests follow the process outlined in [Selwyn District Council policy W107](#) (page 233) including public consultation and notification.

A table summarising the closures issued for public consultation during September and October 2024 is attached within Appendix A, Summary of Proposals, with a map and details for each section of race.

That Council revisits the Pound Road closure application discussed at Council meeting 12th June 2024 as the affected landowner objection raised at the time has been addressed and resolved between the applicants. Further information in Appendix B.

2. SIGNIFICANCE ASSESSMENT

Assessing the level of significance of the decision is required to ensure compliance with the decision-making requirements under Section 5 of the Local Government Act 2002. The Significance and Engagement Policy also sets out criteria for assessing significance. The assessed level of significance determines the degree to which options are identified and analysed and the extent to which community views are sought and considered.

Significance should be assessed in terms of consequences for:

- The district or region
- Any persons who are likely to be particularly affected by or interested in the proposal, decision or matter
- The capacity of the local authority to perform its role, and the financial and other costs of doing so.

The proposed water race closures included in this report have been considered against the criteria for assessing significance from the Policy and are assessed as low significance. This is also aligned with previous water race closures of similar location and scale. Further information relating to this assessment can be found in Appendix F.

3. HISTORY/BACKGROUND

Council allows for the public to request a closure of the water race where it is no longer required. All closure requests follow the process outlined in [Selwyn District Council policy W107](#) (page 233) including public consultation and notification.

Four closures were submitted to Council and have now progressed through to Council for approval.

4. PROPOSAL

This proposal is split into two portions. Firstly, for four new closures requests, and secondly a closure request from June 2024 which has a change of circumstances.

4.1 September/October Proposals

Council has received requests to close four sections of stock water race from private landowners. Table 1 summarises all the races which were advertised during the public consultation period. For further detail a reference number is given for each closure requested, specific details of the proposed closures, including maps, are found within the Summary of Proposals document, refer to Appendix A.

4.2 April/May Proposals

The Pound Road closure (closure reference 5) was previously reviewed by Council on the 12th of June 2024. At that stage there was one objection by an affected landowner to the closure and the decision by Council was to differ to a hearing. The applicants of this closure proposal have since come to an alternative agreement with the objector, they agreed to an updated closure plan that allows for the objector to retain access to the race without the need to go to a hearing. Therefore, this closure proposal now has 100%

affected party agreement. The original summary of proposal for Pound Road has been included in Appendix B for completeness.

4.3 Overview of Process

Table 1 - Overview of Closures

| Closure Ref. | Scheme | Road Name | SOP 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 | 78% | No | Yes |
| 4 | Paparua | Highfield Road | 7 | 5.73 | 100% | No | No |
| 5 | Paparua | Pound Road | N/A | 2.3 | 100% | No | No |

Each race is assessed for the following:

- Confirmation that a minimum of 80% of landowners affected had agreed to the closure.
- Review of race sections against the maps of ecological value shown in Appendix D of this report.
- Review of race sections against map of strategic races, as shown in Appendix E of this report.
- Review of operational impact for each closure with SDC and CORDE Water Race Operational Staff.

These steps are completed prior to a recommendation being made by the Group Manager (Executive Director of Infrastructure) for these races to proceed to the public consultation phase of the closure process.

In accordance with Selwyn District Council policy W107, Public Consultation of the proposed closures occurred during September and October 2024, this included letters being sent to all affected landowners and key stakeholders.

5. OPTIONS

Where a request for water race closure is received, there are a number of potential options available to Council. Table 2 below outlines the alternative options assessed before it was determined closure was the best option for these proposals.

Table 2 - Alternative Options Considered

| Option | Details | Advantage | Disadvantage |
|------------------------------|---|---|--|
| 1. Water race closure | Race closure with the agreement of >80% affected landowners (rate payers on the race or directly adjacent to the race), subject to public consultation and reasoned consideration | Objective is achieved and wishes of rate payers considered. Water can be prioritised to | Loss of rating income. Ecological values of races not maintained. Race cannot be re-opened for future use. |

| Option | Details | Advantage | Disadvantage |
|--------------------------------|--|--|---|
| | and response to issues raised during consultation. | other parts of scheme. | |
| 2. Piping of water race | Piping can be considered if downstream property owners wish to maintain supply. Piping to be funded by each landowner. | Supply to downstream property owners maintained. | Landowners responsible for maintenance of pipes with potential upstream impacts if not maintained. Higher cost to landowners. 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 landowners. Potential impacts on adjacent landowners. Cost to landowners. |
| 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 landowners wish to retain a stockwater service. | Stockwater supply retained. | High cost to property owners for installation and ongoing maintenance. Ecological and other race values not retained. Resource consents required from the Regional Council. |

Options (2) to (5) are alternatives to closure of an open race if a downstream landowner requires a stockwater supply to continue. Water race closures will only occur for lengths of race (excluding whole or major part of scheme closures) if 80% support from affected landowners is obtained.

Through this process consideration must be given to overland flow paths and the impact of filling in open water races on surrounding and downstream land.

Water races play a key role in reducing flooding during heavy rainfall, and filling in sections of a water race may increase the risk of overland flooding if suitable surface water channels are not maintained on the affected properties.

It is essential that any water, including stormwater runoff, which would have been carried by the water race is effectively managed. The Council recommends keeping channels open wherever possible to provide a pathway for surface or floodwater.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

6.1 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, the closures were publicly advertised for a minimum of 3 weeks on the Council website. Adverts were also placed in the Selwyn Times newspaper. A summary including maps of the proposed water race closures were made available to view on the Council's website.

As required under Council's water race closure process, 'Agreement to Close Water Race' forms have been received from affected properties. 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. All directly affected property owners were notified that the proposed closure has been approved to progress to public consultation. Affected landowners who have not signed the closure approval form were sent a letter and given the opportunity to submit on the proposed closure.

6.1.1 September/October Consultation

The proposed closures have been publicly advertised in the following ways:

Public advertisement in the Selwyn Times on the 18th of September 2024 as well as live on Council's website from the 16th of September 2024

An email detailing the consultation was also sent directly to Mahaanui Kurataiao (Mahaanui), Te Rūnanga o Ngāi Tahu, Department of Conservation, Fish and Game, Environment Canterbury Regional Council, Heritage New Zealand, and the NZ Fire Service on 17th of September 2024.

A summary of proposal, maps, and copy of the public advert detailing the proposed race closures was also posted on Council's website from 16th of September 2024 to date.

6.1.2 April/May Consultation (Pound Road)

The proposed Pound Road closures has previously been publicly advertised in the following ways:

Public advertisement in the Selwyn Times (24th April, 1st May, and 8th May) and The Canterbury Press Newspapers (26th April).

Email sent to Mahaanui Kurataiao (Mahaanui) & Te Rūnanga o Ngāi Tahu, Department of Conservation, Fish and Game, Environment Canterbury Regional Council and the NZ Fire Service on 24th of April 2024.

A summary of proposal report, maps, and copy of the public advert detailing the proposed race closures was posted on Council's website from 24th of April 2024.

6.2 Views of those affected

During the consultation process the following sections received formal objections:

- 684 Telegraph Road
- 987 Telegraph Road
- Minchins Road
- Highfield Road

Submissions received also make reference to an additional public closure proposal currently being processed by Council, the Upper Sheffield closure. The initial scope of the Upper Sheffield closure includes the Minchins Road closure and involves a number of the same landowners. Therefore, submissions may refer to both these proposals.

Council has received ten submissions in total during the public consultation process. All submissions can be found in Appendix G of this report.

6.2.1 September/October Public Submissions relating to the four proposed closures

Four general submissions were received regarding all of the September/October proposed water race closures. All four of these submissions were objections to the closure proposals. Submission against the proposals cite reasons such as protection of wildlife, amenity values, and cultural values. Two of the objections have come from the local Runanga via Mahaanui Kurataiao Ltd.

684 Telegraph Road

One specific submission has been received regarding the 684 Telegraph Road water race closure proposal from an affected landowner. The submission is against the closure proposal and cites that further ecological considerations should be taken into account as the water race hosts a variety of wildlife in the area.

Minchins Road

Five specific submissions were received regarding the Minchins Road water race closure proposal from affected landowners. Three of these submissions were objections to the closure proposal and two (including the applicant) were in favour of the proposal. Submission against the proposal cite reasons such as protection of wildlife, amenity values, and the race allowing flood relief. Submissions in favour of the proposal cite reasons such as rates reduction, Farm Environmental Plans excluding stock (dairy) from waterways, and ongoing maintenance costs.

During the public consultation phase additional information has been discovered regarding the Minchins Road closure proposal. The second half of the race section proposed for closure has been altered in the past, with the race being relocated to follow the road instead of through the farm block land as is shown on Councils maps. This means that the Minchins Road race also ties in with another race coming from the northern side of Old West Coast Road and both these flow further down Old West Coast Road than what was initially proposed in this application. The number of affected parties has also increased due to two additional landowners being identified and objecting to the closure, therefore the percentage of affected parties in agreement that have signed the closure form now falls below the 80% required threshold to proceed with the closure application. The Minchins Road water race also plays a key role in providing a flood relief pathway to drain water away from the area that gets impacted heavily during large storm events. Closure of this section of race would require significant upgrades to the surrounding water races to account for the increased flow and pressures on the surrounding races if the Minchins Race was closed.

6.2.2 April/May Public Submissions relating to the Pound Road proposed closure

The Pound Road closure proposal has previously been brought to Council meeting on the 12th of June 2024 with the decision made to go to a hearing due to one objection received by an affected landowner. All affected parties were subsequently notified of Council's decision and have since come to an alternative closure agreement amongst themselves instead of going to a hearing. The affected parties have created a revised closure plan agreement which has been signed by the appropriate parties involved. The initial objector to this closure proposal was the first affected property along the section of race proposed for closure and wished to retain access to the race. The remaining affected parties have therefore changed the proposed closure plan to install a soakage pit inside the property boundary of the next downstream affected party in favour of the closure, maintaining supply upstream. This proposal now has 100% affected party agreement.

6.3 Ngāi Tahu views

Te Runanga 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.

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.*

Details of the proposed closure were provided to Ngāi Tahu and Mahaanui. Feedback has been received from Mahaanui on behalf of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga. These submissions are objecting to all closures out for consultation in September/October. Full details on the basis of the objections can be found in Appendix G.

6.4 Ecological Considerations

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 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.

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 salvage of aquatic life and relocation will be provided to DoC and Fish and Game prior to a water race closure occurring.

Council engaged ecologists to undertake assessments of sites with medium and high ecological value within the Ellesmere and Malvern Water Race schemes in 2011 and in 2023, and the Paparua Water Race scheme in 2022. A copy of the findings of these assessments are included in Appendix D.

DoC have indicated that the level of input from DoC may need to be prioritised based on predicted distribution of threatened species and external contractors may need to be used if DoC staff cannot assist. DoC may however provide guidance to Council and Contractors on the process the suitable sites for relocation. 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.

Four sections of Water Race proposed for closure (684 Telegraph Road, 987 Telegraph Road, Highfield Road, and Pound Road) are noted to be of low ecological value. One proposed closure (Minchins Road) joins with another race downstream which supplies water to sites of known ecological significance.

The decisions and matters of this report are assessed to have low climate change implications. As mentioned in section five above these races also accommodate flood water and surface water runoff. The effects of climate change over time means that more frequent and intense flood events should be expected.

7. FUNDING IMPLICATIONS

7.1 Rating Impact

The total loss of rating income from the sections recommended for closure is approximately \$19,222 per annum, that reflects 1.30% of total rating income. Table 3 of this report shows the impact of the proposed closures.

Table 3 – Rating Impact of Closures

| Water Race | Reduction in length (km) | Reduction in length (%) | Loss of targeted rate income (\$) |
|-------------------|-------------------------------------|------------------------------------|--|
| Paparua | 8.03 | 1.95 % | 1.78 % |
| Malvern | 11.54 | 1.35 % | 1.70 % |
| Ellesmere | 0 | 0 % | 0 % |
| Total | 19.57 km | 1.26 % | 1.30 % |

The detailed loss of rating income for each section of race is shown in Appendix C.

Properties that continue to have access to other races following closure will continue to pay full water race rates. Properties that no longer have access to stock water races will be changed to the Amenity stock water race rate which this financial year is set at \$54.00.

The total income from the latest available targeted stock water race rates data is \$2,408,890 for all properties with access across the district.

The cumulative impact of closures will continue to be considered as more closure requests are received over time. Rates are reviewed and adjusted at each annual plan and long-term plan rating review.

7.2 Cost Savings

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

7.3 Closure Costs

The cost of any rate payer requested closures will be met by the benefiting property owners.



Kate Attwood

SURFACE WATER LEAD

Endorsed For Agenda



Elaine McLaren

**Acting Head of Operational Delivery
(Water, Roding, Resource Recovery)**

Approved For Agenda



Tim Mason

Executive Director Infrastructure and Property

Appendix A

Summary of Proposal – Water Race Closures September/October 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 | 78%* | No | No |
| 4 | Paparua | Highfield Road | 7 | 5.73 | 100% | No | No |

* Number of affected parties in scope of the proposed closure has been updated and increased following further application reviews and information submitted during public consultation. This application is now below the required threshold.

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 % |
| Total | 17.27 km | 1.11 % | 1.3 % |

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.

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

Appendix A – Closure Maps and Details

Closure Reference: #1 - 684 Telegraph Road

Map and Location:

Telegraph Rd - WR Closure

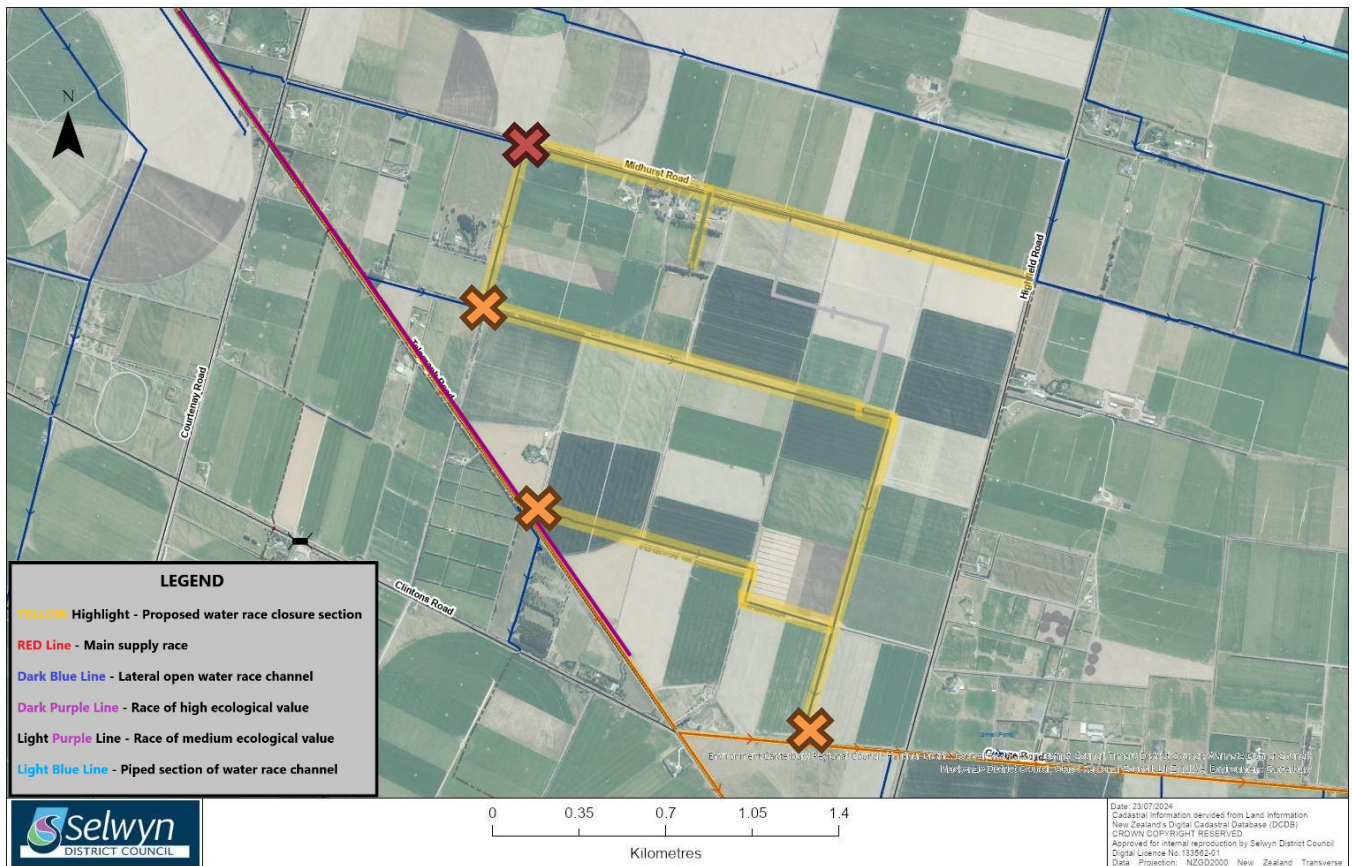


Figure 1: Proposed '684 Telegraph Road' Closure sections and plan. Orange X indicates the location of a new soakpit proposed. The green X's indicates positions of existing soakpits/termination points or where a culvert has been sealed off from the main race.

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:

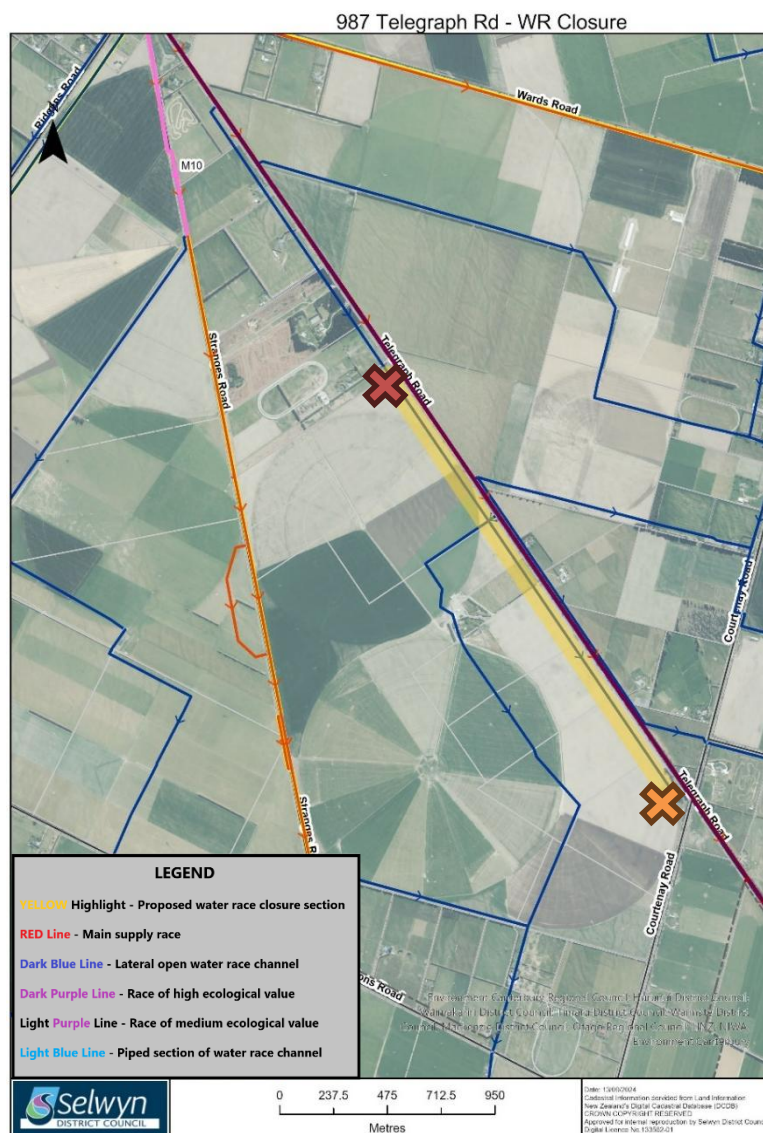


Figure 2: Proposed '987 Telegraph Road' Closure sections and plan. The orange X indicates the location of a new soakpit proposed. The green X indicates the position of an existing soakpit/race termination point.

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.

Map and Location:

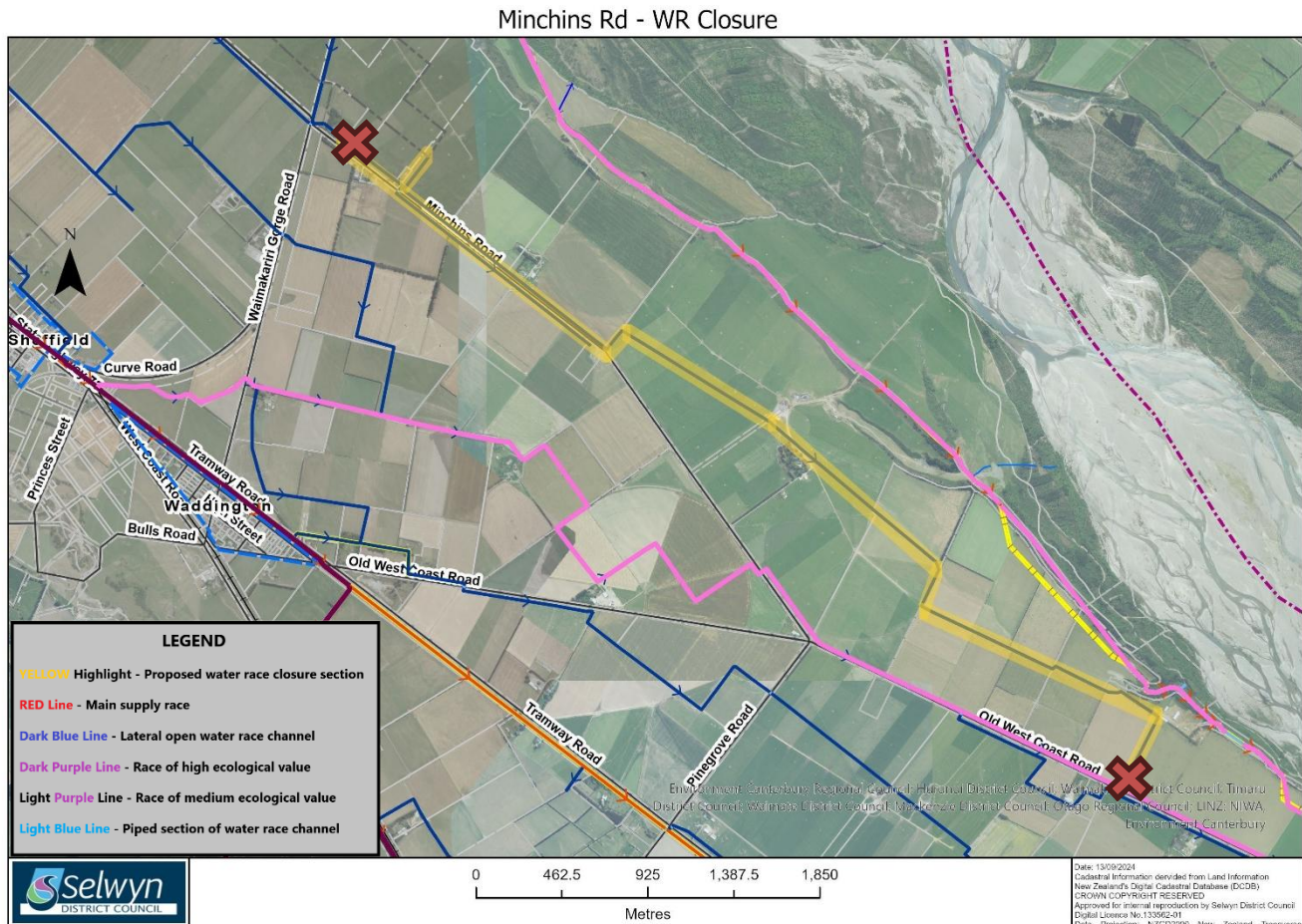


Figure 3: Proposed ‘Minchins Road’ Closure sections and plan. The orange X’s indicate locations of new soakpits proposed.

Scheme: Malvern

Length of Proposed Closure: 6.32 km

Application Received From: P&E Ltd Farm

Number of Affected Properties: 9 (this value has been updated based on new information)

Number of Properties agreed to Closures: 7 – 78 %

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:

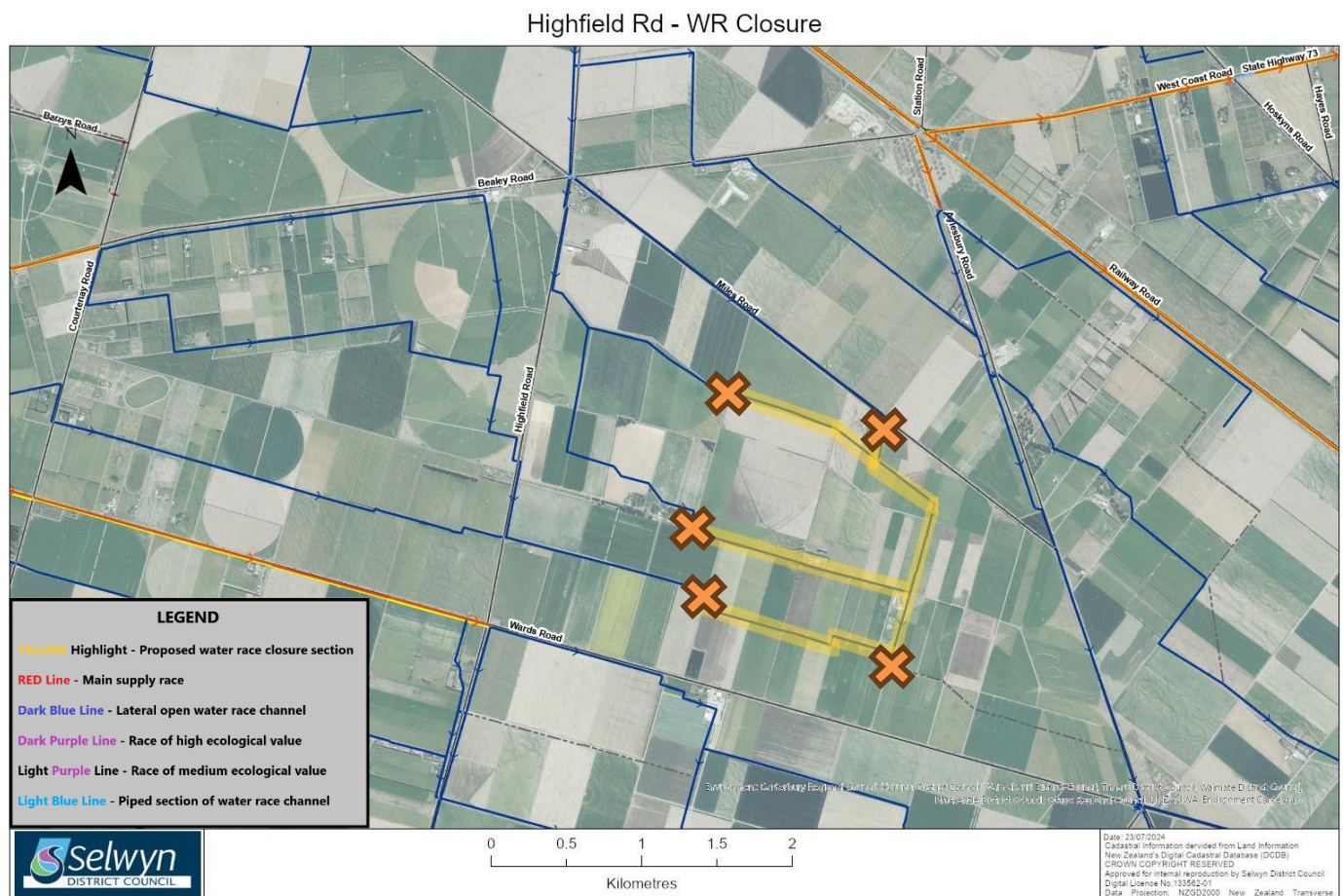


Figure 4: Proposed 'Highfield Road' Closure sections and plan. The green X's indicate positions of existing soakpits/race termination points.

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.

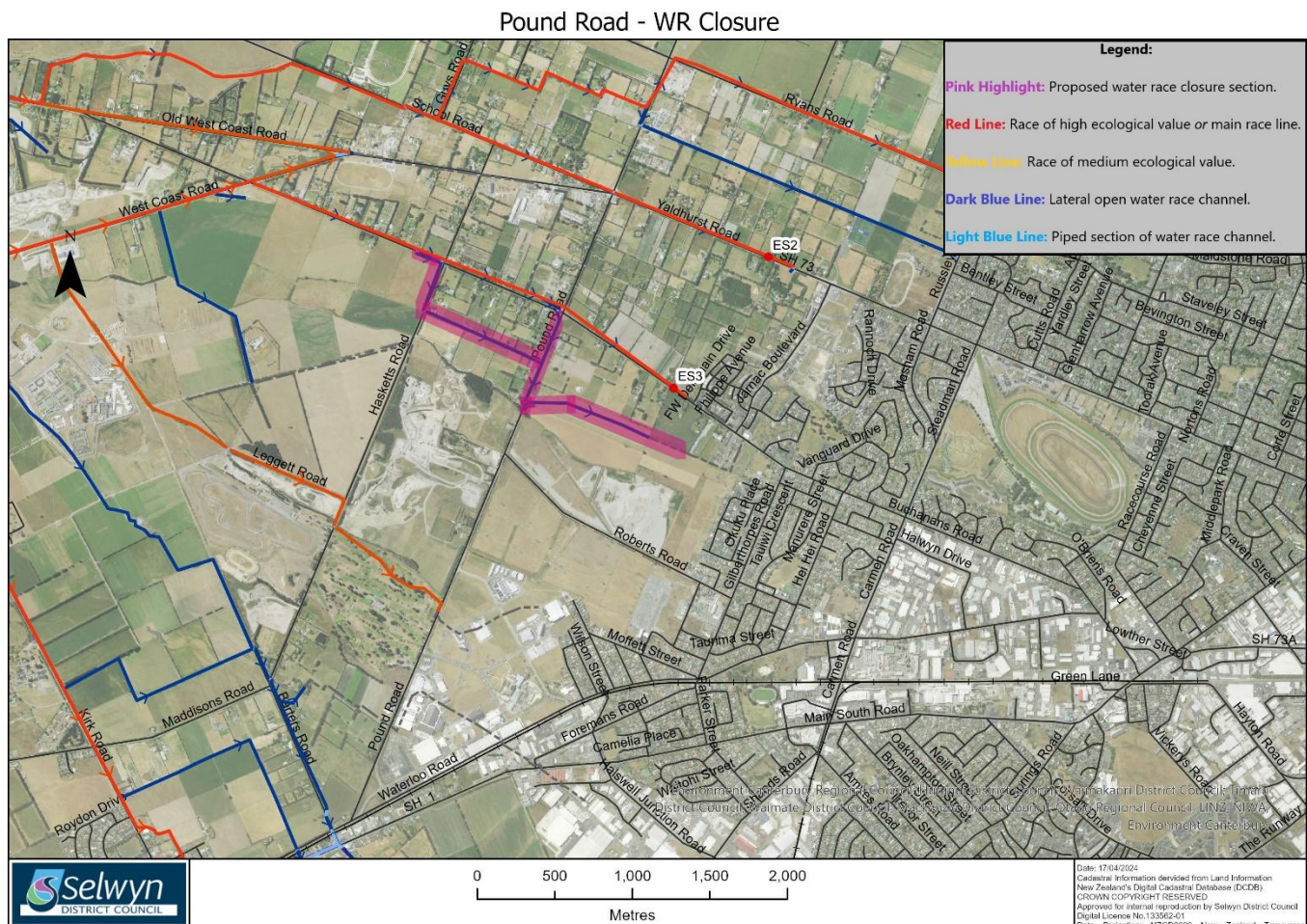
Details of Closure: These are minor lateral races with 100% affected landowner support. These races have not flowed for many years. No specific closure actions are proposed as the races appear to be closed physically already.

Appendix B

Summary of Proposal – Water Race Closures April/May 2024 (Pound Road)

Closure Reference: #1 Pound Road

Map and Location:



Scheme: Paparua

Nearest Town: Christchurch

Length of Proposed Closure: 2.78 km

Application Received From: D. Park

Number of Affected Properties: 12

Number of Properties agreed to Closures: 11 – 92 %

Percentage Loss of Rating Income: 0.00 % (This race is within Christchurch City Boundary)

Reason for Closure: Safety improvements following recent incidents. Alternative sources of stock water available. Water race no longer needed by landowners. Race has run dry for over 8 months.

Details of Closure: This is the end of line race and has previously been shortened to its current termination point. Decommissioning of the race culvert under Buchanans Road from the main line is proposed.

Appendix C

| Closure Ref. | Scheme | Closure Name | Total Affected parties | Affected Parties FOR closure | Affected Parties AGAINST closure | Affected parties in Agreement | Approx. Closure Length (km) | Loss per Scheme Length (%) | Loss of Rateable Income (\$) | Loss per Scheme Rateable Income (%) | Closure involves strategic race | Closure involves Ecological impacts | Specific Submissions Received? |
|--------------|---------|--------------------|------------------------|------------------------------|----------------------------------|-------------------------------|-----------------------------|----------------------------|------------------------------|-------------------------------------|---------------------------------|-------------------------------------|-------------------------------------|
| 1 | Malvern | 684 Telegraph Road | 8 | 7 | 1 | 88% | 3.02 | 0.35% | 7,114.30 | 0.63% | No | No | Yes (1) - against |
| 2 | Malvern | 987 Telegraph Road | 1 | 1 | - | 100% | 2.2 | 0.26% | 0 | 0% | No | No | No |
| 3 | Malvern | Minchins Road | 9 | 7 | 2 | 78% | 6.32 | 0.74% | 12,107.95 | 1.07% | No | Yes | Yes (5) – 3 against and 2 in favour |
| 4 | Paparua | Highfield Road | 2 | 2 | - | 100% | 5.73 | 1.39% | 12,177.25 | 1.78% | No | No | No |
| 5 | Paparua | Pound Road | 11 | 11 | - | 100% | 2.78 | 0.67% | 0 | 0% | No | No | No |

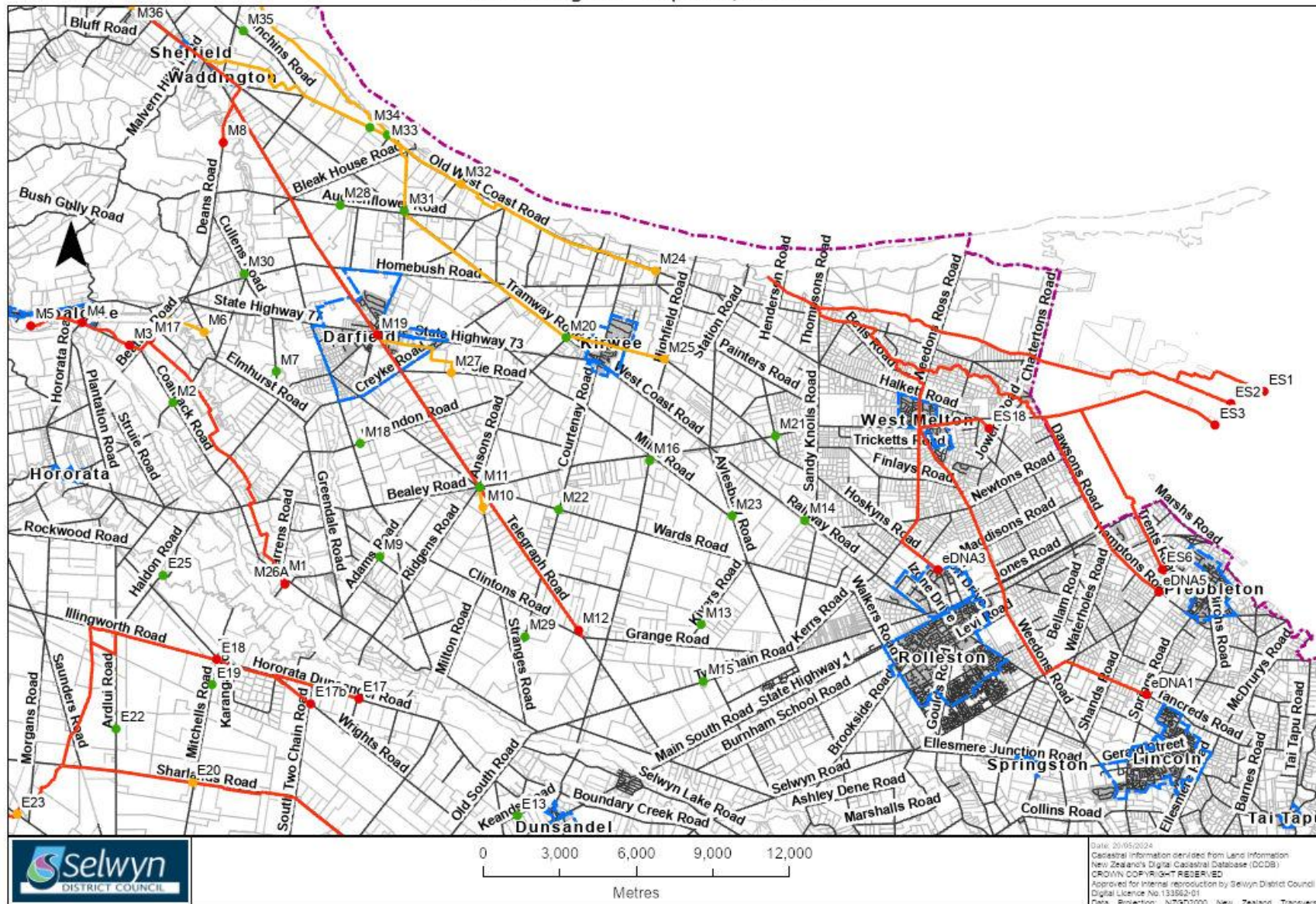
SDC Surface Waters staff recommend the following for each closure, following assessment of the information summarised in the above table *after* public consultation has been undertaken:

1. **684 Telegraph Road** – Recommend application goes to a hearing as one specific submission against this application and four general submissions against the publicly notified water races closures have been received by Council following the public consultation period. Note that Some sections of the water race proposed for closure have already been unofficially altered or closed by landowners in the past, and no longer flow as indicated on Council's maps.
2. **987 Telegraph Road** – Recommend application goes to a hearing as four general submissions against the publicly notified water races closures have been received by Council following the public consultation period. Note that Some sections of the water race proposed for closure have already been unofficially altered or closed by landowners in the past, and no longer flow as indicated on Council's maps.
3. **Minchins Road** – Recommend this application is declined due to two objections being received by affected landowners. Through information received in the public submission period, it was identified that this race also provides essential flood relief in the area and supplies stock drinking water to at least two farms that do not have an alternative supply.

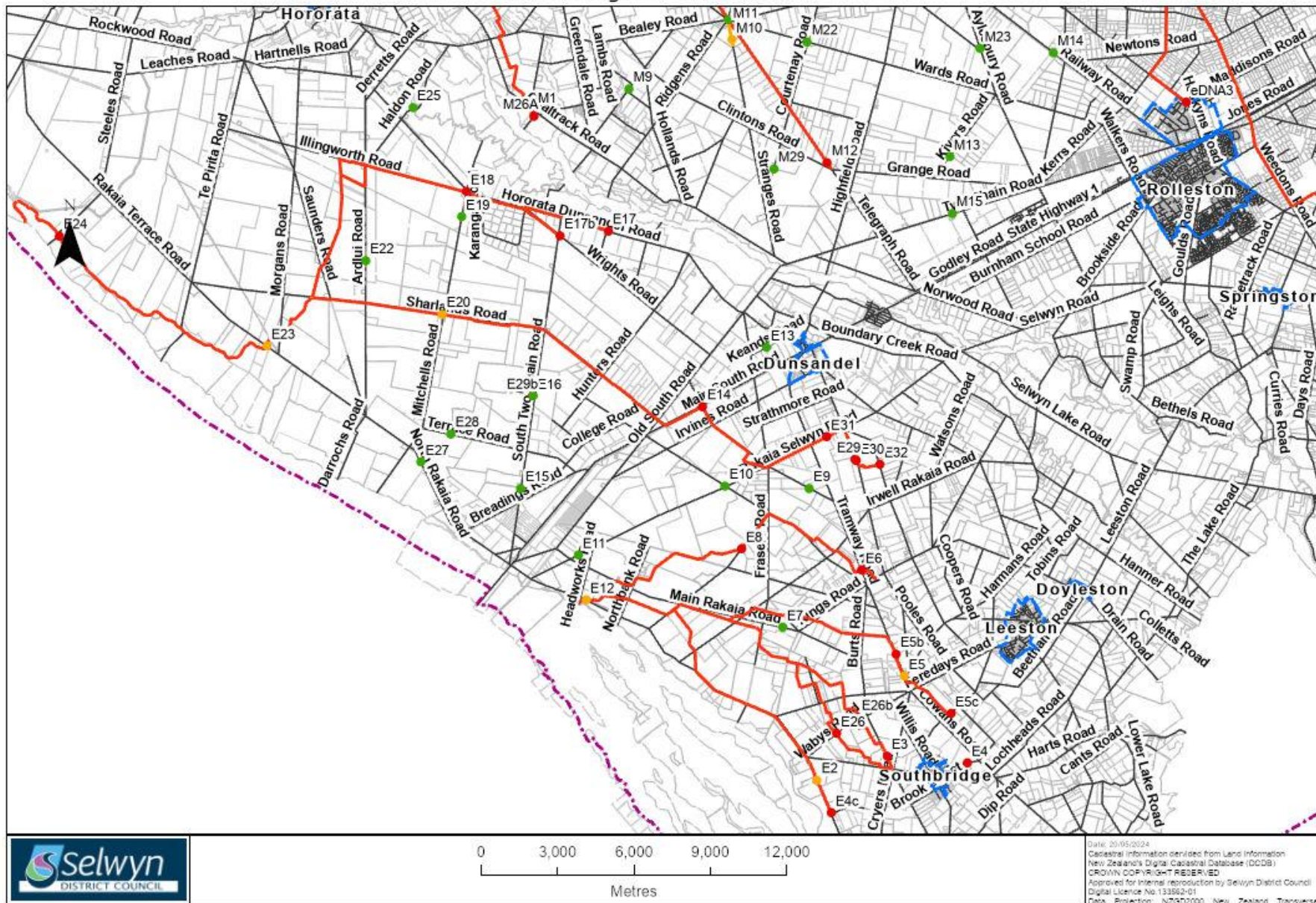
4. **Highfield Road** - Recommend application goes to a hearing as four general submissions against the publicly notified water races closures have been received by Council following the public consultation period. Note that Some sections of the water race proposed for closure have already been unofficially altered or closed by landowners in the past, and no longer flow as indicated on Council's maps.
5. **Pound Road** - Progress this closure as 100% affected parties have signed and are in agreement. There are no outstanding submissions against this closure.

Appendix D – SDC MapViewer Water Race layer with mapped ecological sites overlaid (08/10/2024).

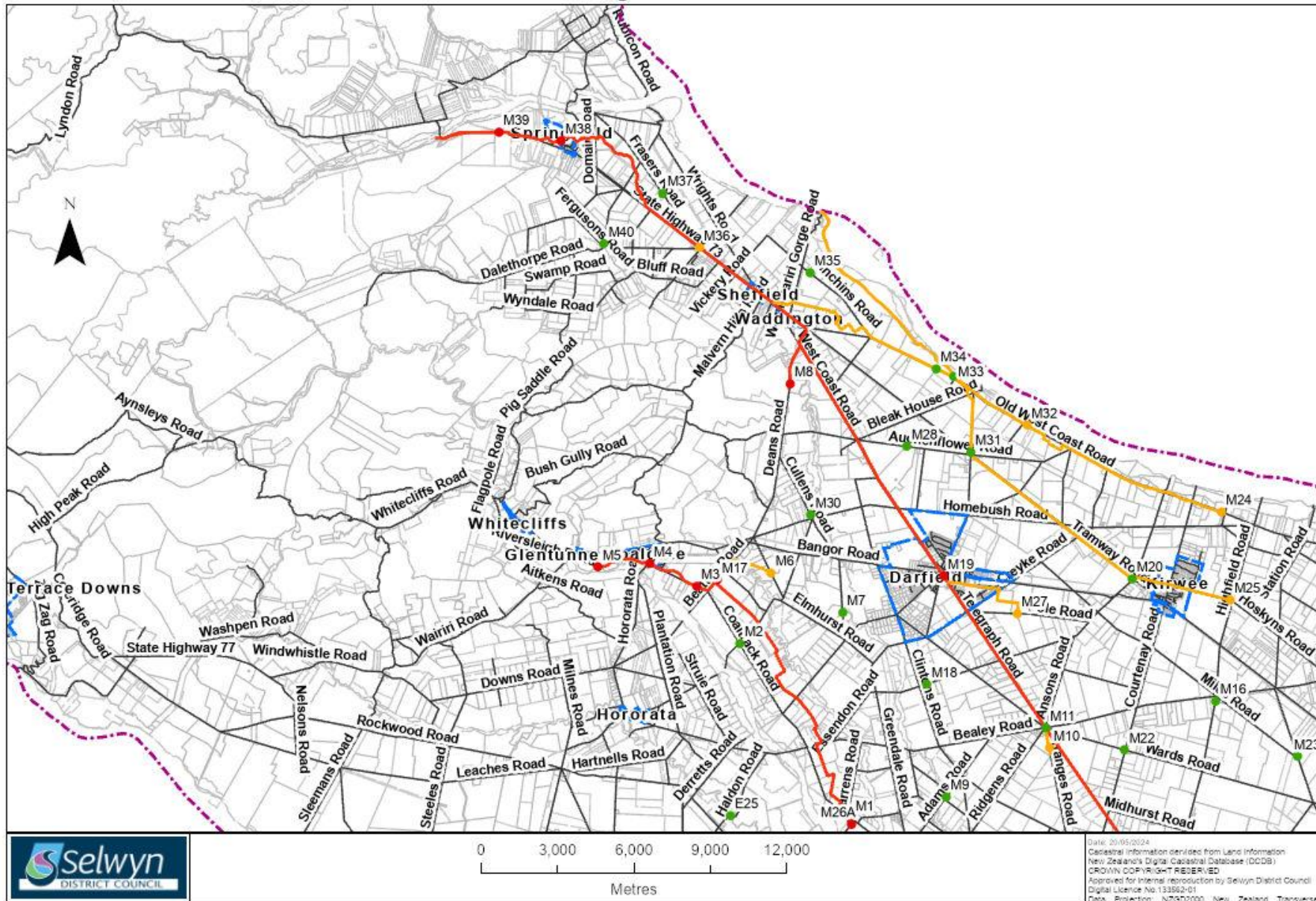
WR Ecological - Paparua/Malvern



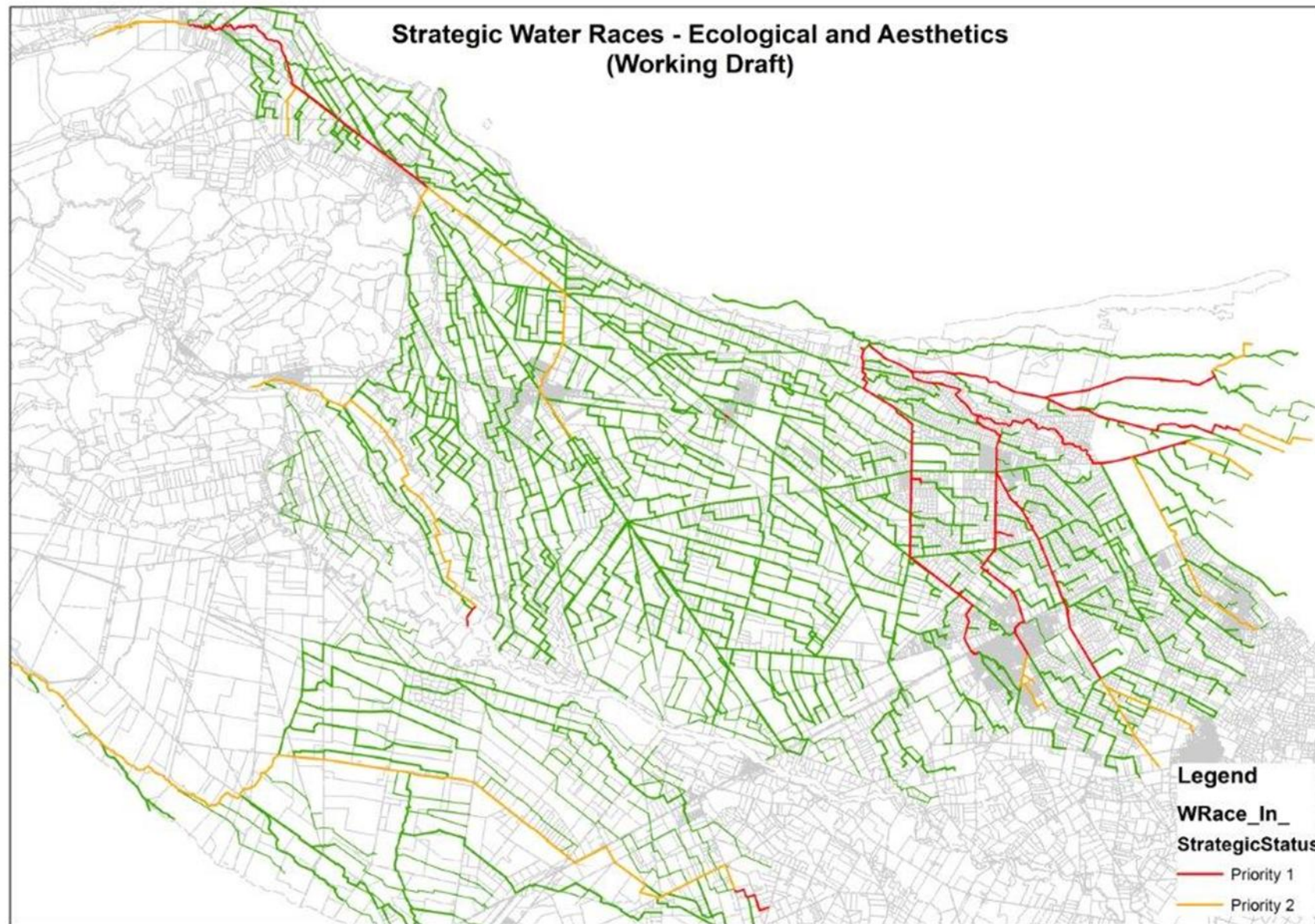
WR Ecological - Ellesmere



WR Ecological - Malvern



Appendix E - Strategic Water Races - Ecological and Aesthetics



Appendix F – Significance and Engagement Policy Assessment

Significance is interpreted in Section 5 of the Local Government Act 2002. The Council's Significance and Engagement Policy further outlines the meaning of 'significance' by stating that:

Significance should be assessed in terms of consequences for:

- The district or region
- Any persons who are likely to be particularly affected by or interested in the proposal, decision or matter
- The capacity of the local authority to perform its role, and the financial and other costs of doing so.

The Significance and Engagement Policy also sets out criteria for assessing significance which are applied in Section 1.1 below.

The 2024/34 LTP identifies the Stock Water Race Network as a strategic asset. Strategic assets are assets or groups of assets that the local authority needs to retain to maintain its capacity to achieve or promote any outcome that is important to the current or future wellbeing of a community. Explicit provision has been made in the 2021/31 LTP for water race closures¹ initiated by rate payers.

The LTP states that the level of significance of a decision will determine the process used by the decision maker considering Council's commitment to constructive community engagement. An assessment of significance has been included below for the Council's discussion and recommendation.

1.1 Level of Community Interest

The community outcomes are considered relevant to proposed water race closures and provided in Table 1

Table 1 - Community Outcomes

| Community Outcome | Level of Support |
|---|--|
| A living environment where the rural identity 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. |

¹ LGA 2002 S97(2)a

Water race closures are generally driven by the Community. The water races proposed for closure are no longer required by the community. They no longer provide economic benefit to the rural communities of the district and this reflects the changing needs of these communities.

Consultation to the wider community has occurred along with notification of key stakeholders, including Mahaanui Kurataiao (Mahaanui) & Te Rūnanga o Ngāi Tahu, Department of Conservation, Fish and Game, Environment Canterbury Regional Council and the NZ Fire Service. Affected persons are directly consulted on all water race closures. These include rated and non-rated properties that have access to a water race on or adjacent to their property. Where a closure has attracted 100% support from directly affected property owners, the closure is considered to be of low significance.

Following approval by the Group Manager Infrastructure, public advertisement of the proposed closures has occurred during September to October 2024 and posted in the SDC website URL: <https://www.selwyn.govt.nz/services/water/water-race/water-race-closure-requests>

1.2 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 6.3 of the attached report.

1.3 Rating & Financial Impacts

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 with the sections of race recommended for closure to proceed.

The proposed water race closures are considered as irreversible where it crosses private property. Council do not hold easements for most water races. A sufficient amount of legal and economic controls will be needed for reinstatement of water race channels on private property, which have cost and political implications. However, stock water supply can be provided from other sources.

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 closure applications have been summarised in the table below:

| Closure Ref. | Scheme | Road Name | SOP 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 | 78% | No | Yes |
| 4 | Paparua | Highfield Road | 7 | 5.73 | 100% | No | No |

| | | | | | | | |
|---|---------|------------|-----|-----|------|----|----|
| 5 | Paparua | Pound Road | N/A | 2.3 | 100% | No | No |
|---|---------|------------|-----|-----|------|----|----|

Based on the above assessment, it is recommended that the proposed closures are considered of **low significance** in terms of consultation requirements. The level of significance impacts the degree of consultation undertaken on the engagement spectrum. Council takes a conservative approach to consultation. The proposed water race closures represent the following loss to each of the schemes:

| Water Race | Reduction in length (km) | Reduction in length (%) | Loss of targeted rate income (\$) |
|--------------|--------------------------|-------------------------|-----------------------------------|
| Paparua | 8.03 | 1.95 % | 1.78 % |
| Malvern | 11.54 | 1.35 % | 1.70 % |
| Ellesmere | 0 | 0 % | 0 % |
| Total | 19.57 km | 1.26 % | 1.30 % |

Closure of these races has 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.

2.4 Impact on levels of service

An assessment of the options considered as alternatives to water race closure is included in Section 5 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:

1. Cultural interests – the race closures proposed are not considered to impact the character of the District, as they are often on private land and exist extensively in other parts of the District. There are no historic assets/fabric as part of the proposed closure. There are not known cultural links to these sections of closure.
2. 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 access to a race on or adjacent to their property regardless of whether they are rated for stock water) are consulted and approval is required for closure to be progressed. Further public submissions are invited from the wider community.
3. Economic interests – Council will monitor the cumulative impact on rate revenue reduction.

4. 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.

The proposed water race closures are assessed as **low** significance.

**MINUTES OF THE WATER RACE CLOSURE HEARINGS
OF THE SELWYN DISTRICT COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON TUESDAY 27 MAY 2025 COMMENCING AT 4.00PM**

PRESENT

Councillors L L Gliddon and S G McInnes, J Golden, Water Services Asset Manager, E McLaren, Water Asset and Management Workstream Lead, L Le Roux, Surface Water Environmental Engineer and D Prendergast, Assistant to Executive Director Infrastructure and Property

The meeting was livestreamed.

APOLOGIES

None

OPENING COMMENTS

Cr McInnes welcomed attendees and introduced the panel.

The hearings opened with a Karakia.

Luc Le Roux, introduced himself and the public water race closure process. Started the process relating to this hearing last year as part of Council's Public water race closure process. Public notification was done in September/October of 2024 with the initial council meeting occurring October 2024. Submissions from the public were received during the consultation phase and therefore Council decision was to have a hearing to discuss the submissions. Extra context was provided for the specific closures being discussed at this hearing: some of the races we are discussing are physically closed already, but there is still great value in the conversation we are having today. Mentioning this for full transparency.

RECEIPT OF SPEAKING SUBMISSIONERS

The following submitters spoke to their submissions in person at the Hearings. Main points noted are captured below (the full hearing is available on council's YouTube channel).

Submission No: 1 – Te Ngai Tūāhuriri Runanga

- Apology

Submission No: 2 - Thalia Jenkins

Opening Acknowledgement (Pepeha & Mihi)

- Thalia Jenkins introduces herself as:
 - A proud Kai Tahu wahine, acting as kaitiaki for the Waikirikiri region.
 - A 6th generation sheep and arable cropping farmer.
 - A concerned resident of the Selwyn District.
- States a deep belief in protecting the water races, describing them as “the veins of the Plains” for future generations.

Concerns Regarding the Proposal – Summary Points

- Refers to the Summary of Proposal – Water Race Closures (Sept 2024):
 - All 3 closures had ‘no ecological impact’ ticked.
 - Challenges this claim using the Oxford definition of ‘ecological’ and questions:
 - Who determined the ecological impact?
 - What species and systems were assessed?
 - The age and relevance of data (most recent studies read were from 2011 and 2022).
- Main points:
 - Lack of accurate geographical data on the network.
 - Disconnection between council decision-making and community/ecosystem realities.
 - Closure reasoning is driven by “a few land-owning individuals” rather than the community.
 - Notes this as disrespectful to the value of water races.

Specific Concerns About the Current Hearing

- Closures under discussion: Telegraph & Highfield Roads (total: 11 km).
- Questions:
 - Environmental consequences of closure approval.
 - Lack of wider ecological consideration in documentation.

Cultural & Environmental Importance of Water Races

- Water races are not perceived as man-made by the community:
 - Viewed as part of the environment, landscape, and ecosystem.
 - Their loss would be a deep personal and communal grief.
- Urges council to uphold values of:

- Selwyn's environment.
- Collective stewardship (not just human-centric).

Ecosystem Services Provided by Water Races

- Over 130 years of continuous flow in Canterbury Plains.
- Now serve as:
 - Living ecosystems.
 - Habitat for fish, macroinvertebrates, native watercress.
 - Food source for herons, kingfishers, birds, insects, mammals.
- Warns:
 - Loss of water races will remove the only water source for many species.
 - No clear alternatives for impacted ecosystems.

Climate Change & Flood Mitigation

- Notes increase in extreme weather events.
- Recounts:
 - Two major flooding events in Selwyn in the past 3 years alone.
- Highlights water races as:
 - A flood mitigation tool.
 - Protection for residential dwellings and 250 ha of farmland.
 - Vital infrastructure against natural events.

Personal Observations & Closing Appeal

- Invites councillors to:
 - Spend 30 minutes beside a water race to witness the life it sustains.
- Expresses hope that others will see water races as:
 - A life source, a vital resource, a taonga.

Closing Karakia (Whakataukī)

“Toitū te marae o Tāne, toitū te marae o Takaroa, toitū te iwi –
When land and water are sustained the people will prosper”

Closing Statement

- Thanked the Council for the opportunity to speak.

Q&A Between Councillors and Submitter – Thalia Jenkins

Cr. McInnes thanked the submitter for her presentation and contribution to the hearing.

Cr. Gliddon raised a question regarding the financial impact of water races and the constraints posed by Farm Environmental Plans (FEPs), specifically: In the current economic climate, where landowners may be paying up to \$15,000 for water races and FEPs don't allow them to use the water – where do we find a middle ground for those wanting to retain water races?

Thalia Jenkins responded: As a farmer, I believe landowners are aware of and accept that they need to pay their rates. The water races have always been part of the landscape. I think it's a small price to pay for the damage that farmers have done to the Canterbury Plains already. For a dairy farmer, \$15,000 per year is a drop in the bucket.

Cr. Gliddon asked a follow-up question: If we are mechanically cleaning water races twice a year, and the removed material is dumped on the banks – do you think we should continue this method? Are there alternatives?

Thalia Jenkins replied: Only a small number of water races are actually cleaned this way. There are always better tools and methods available. We should be looking at how to do this with a smaller environmental footprint. There's definitely a better way to do it for the environment.

Submission No: 3 - Melisa Rusbatch

Introduction & Position:

- Strong opposition to the proposed closure of water races and any future closures.
- Stated the issue impacts individuals, communities, the environment, and public safety.
- Recalled a car shed fire on her Southland family farm—proximity to a reliable water source helped contain the fire and assist fire services.
- This memory informs her strong support for retaining water races.

Functional & Safety Roles of Water Races

Firefighting:

- Water races serve as critical infrastructure in rural firefighting, especially with increasing fire risk during dry summers.
- Many fires have occurred near railway tracks and rural areas in recent years—races offer a vital, accessible water source.
- Closure would remove a key firefighting tool and leave rural communities more vulnerable.

Flood Prevention:

- Water races manage stormwater during heavy rain events, mitigating flood damage.
- Cited recent downpours that saturated land, demonstrating the importance of active water flow management.
- Closure could lead to more frequent and severe flooding.

Drainage Infrastructure History:

- Noted the historical role of the Drainage Board (pre-1980s) in maintaining water races for flood control, irrigation, and drainage.

- Since its disbandment, management has become inconsistent, contributing to maintenance challenges.
- Further reductions in oversight or closures would worsen existing issues.

Environmental & Community Significance (Wildlife Habitat & Biodiversity):

- Water races support a range of flora and fauna, including native fish, birds, insects, and aquatic species.
- Vegetation along banks prevents erosion, filters water and provides habitat and food sources.
- Birds nest and forage, insects thrive, and aquatic life depends on these stable, clean environments.

Local Foraging & Food Culture:

- Community members regularly harvest watercress—a culturally and nutritionally significant wild food.
- Watercress links residents to sustainable, land-based food traditions.
- Pollution or mismanagement of closed systems would endanger this practice.

Cultural Importance:

- Recognised the significance of water bodies to tangata whenua.
- Water races hold ancestral, spiritual, and guardianship value—not just functional infrastructure.
- Closures would further erode the cultural landscape of the district.

Health & Wellbeing Benefits (Mental Clarity & Recreation):

- Emphasised the emotional and psychological benefits of walking alongside flowing water.
- Cited calming effects of running water and its contribution to personal reflection, peace, and joy.
- Access to such spaces is important for rural wellbeing.

Agricultural Value (Irrigation and Livestock):

- Water races are critical to many local landowners for crop irrigation.
- Their closure would impact the productivity and viability of local farms.
- Many farmers rely on races as a primary freshwater source for animals (cattle, sheep, horses, deer, etc.).
- Closure would require costly alternatives or risk the wellbeing of livestock.

Final Message & Recommendations

- Water races are not just irrigation channels; they are multi-functional infrastructure as discussed in the points raised. Closing water races without robust alternatives will increase community risk.
- Urged Council to holistically assess impacts before proceeding with closures.

- Requested collaborative solutions to ensure ongoing protection, maintenance, and respect for water races.
- Acknowledged the Council's time and invited questions.

Q&A Between Councillors and Submitter – Melisa Rusbatch

Cr. Gliddon thanked the submitter and asked whether she agreed with the closure process in cases where 100% agreement was reached among landowners.

Melisa responded that water races are part of the environment and should not be considered solely based on landowner consent. Wider community and environmental considerations must be included.

Cr. Gliddon asked whether the community should contribute more financially toward the management of water races.

Melisa agreed, stating that it is worth the cost and noted the need to return to basic community principles. She suggested exploring how ratepayers might be more engaged in maintaining water races to reduce the financial burden.

Cr. McInnes asked if Melisa was an affected landowner in the specific closures under discussion.

Melisa clarified she is not directly affected but has farming experience and is passionate about water quality and environmental outcomes.

Cr. McInnes commented on the irony that water races are considered vital to the rural economy, yet it is farmers themselves now initiating requests for closure. He asked for her perspective on this paradox.

Melisa acknowledged the financial pressures of modern farming as a likely driver behind closure requests, rather than long-term environmental or historical perspectives. She noted the situation was overwhelming and questioned how farmers would feel in 10 years if the races were gone. She emphasised the need to find a middle ground.

Cr. McInnes raised the historical role of drainage boards and queried the community appetite for a modern equivalent.

Melisa expressed support for this idea, noting that it would be beneficial for landowners to have a focused entity tasked with managing water races and championing their broader values.

Submission No: 4 - Sarah Walters

- Personal connection to water races began in early childhood, with memories of playing and maintaining them during dog walks.
- Expressed disappointment that the value of water races is not more widely recognised, attributing this to lack of leadership and engagement from responsible organisations.
- Water races, while human-made, have become naturalised environments across the Canterbury Plains and are now essential habitats for flora and fauna.
- Emphasised the ecological importance of water races, particularly for bees and other pollinators, which rely on access to imperfect, nutrient-rich water sources.

- Referenced research on honeybee behaviour showing that bees locate and prefer "dirty" or biologically rich water due to their sensory cues and nutritional needs.
- Cited personal experience with beekeeping and described how bees consumed large quantities of water from a supplied source during high temperatures.
- Questioned the legitimacy of the "no ecological impact" claim associated with proposed water race closures.
- Noted that bees use a variety of water sources including puddles, irrigation systems, compost, concrete, and other organic materials that might appear unclean but are rich in beneficial compounds.
- Pointed out that bees cannot visually detect water easily and instead use scent, relying on cues from elements like algae, moss, and chlorine.
- Highlighted that water races are not only ecologically important, but also structurally preferable for bees due to their edges, warmth, and accessibility.
- Asserted that the removal of water races would affect biodiversity and food systems, particularly pollination and related ecological services.
- Discussed resilience in the context of natural disasters, particularly the Alpine Fault scenario, where water access from deep aquifers may be unavailable without power.
- Recalled the use of a local water race following the 2010 earthquake for its intended emergency purpose.
- Emphasised water races' function in fire response and drainage, including use by neighbours for firefighting water access.
- Raised concerns about the cost of maintaining water races, which are subject to consent conditions, fish screens, and regulatory burdens, driving up operational expense.
- Stated that the cost structure is inequitable; rural users pay significantly more (\$465 annually in her case) than urban residents for similar benefits.
- Criticised the user-pays approach as flawed, noting that true "users" also include wildlife, pollinators, and the broader environment.
- Argued that while farmers may no longer need water races due to modern infrastructure, the ecological cost of removal remains significant and overlooked.
- Called for alternative solutions for recognising and managing the water races, rather than closure, and suggested that their value should be upheld similar to that of rivers.
- Concluded that water races are a shared resource that support community resilience, biodiversity, mental wellbeing, and emergency preparedness, and should therefore be retained and maintained.

Q&A Between Councillors and Submitter – Sarah Walters

Cr. Gliddon restated the submitter's earlier question: "Who are the users?" He noted this is central to the current user-pays model and acknowledged it is a complex issue. The amenity rate is expected to rise (currently around \$50, potentially over \$100 in five years), while Council is also taking on debt to upgrade intakes. Asked for ideas on how to manage this cost burden, achieve more efficient water use, and identify middle ground.

Sarah Walters responded that a significant portion of costs stem from compliance requirements, such as fish screens. She recommended changing the status of water races to reflect their true value as established environmental infrastructure, not just irrigation assets. Recognising their amenity value may help justify broader funding approaches. The function of water races has changed over time; this should be reflected in policy. She also acknowledged that farmers are willing to pay, but the issue is how much and how fairly. Many of the values water races provide—like pollinator habitat—are shared across the whole community.

Cr. Gliddon noted the irony that farmers are expected to maintain and consent these races even though they may not be the primary users (e.g., for irrigated dairy farming). He asked whether a broader rating approach might work—spreading costs district-wide—and whether landowners would allow access if that occurred.

Sarah suggested community groups could adopt responsibility for sections of water races as a possible model. She also noted that current practices, such as spraying entire banks dead as a maintenance method, are inappropriate and should be re-evaluated.

Cr. McInnes raised the point that multiple submitters had mentioned the Council's water race mapping is outdated and asked whether water races that are already dry are still worth preserving.

Sarah explained that even intermittent or dry channels have value. They still function for drainage, especially during flood events. She cited a neighbour's garage flooding as an example of why it's important to retain open channels, even if flow is irregular. She acknowledged that the stop/start nature of flow creates challenges such as debris buildup and blockages but reiterated her hope that a better approach could be found than simply closing races.

Cr. McInnes also referenced Council's recent work on land drainage maintenance and asked about crossover with ecological considerations.

Sarah agreed that water race maintenance and ecological value are connected, and that a better-integrated system could help.

CLOSING STATEMENT FROM CHAIR

Hearings end.

Councillor McInnes thanked the submitters.

Deliberations will be held on Thursday the 29th of May and will be livestreamed; all are welcome to attend or listen in. The outcome of the deliberations will be communicated to the submitters and will be published. A report will be prepared and presented at a Council meeting for approval.

The hearings closed with karakia at 4.58 pm

Closing Karakia

Karakia Whakamutunga

Unuhia, unuhia Te
pou, te pou

Kia wātea, kia wātea

Āe, kua wātea

Remove, uplift

The posts

In order to be free

Yes, it has been cleared

Deliberations closed with Karakia at