



**AGENDA FOR THE
WATER RACE CLOSURE SUBMISSION
HEARINGS**

**TO BE HELD IN THE
COUNCIL CHAMBERS**

**SELWYN DISTRICT COUNCIL
ROLLESTON**

TUESDAY 27 MAY 2025

COMMENCING AT 4.00PM

Water Race Closures Hearings Agenda

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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2. Hearings Schedule	
4:00 PM - Meeting start, introductions, and karakia	
4:10 PM - Background summary: Luc le Roux	
4:15 PM - Submitter 1: Te Ngai Tūāhuriri Runanga	
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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.

Opening Karakia

Selwyn District Council

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 Ngai Tūāhuriri Runanga

Wish to speak to the submission: Yes

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 claim¹

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 Whakatekateka
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 Rangi 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.

Submitter Number: 2

Full name: Thalia Jenkins

Organisation: N/A

Wish to speak to the submission: Yes

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.

Submitter Number: 3

Full name: Melisa Rusbatch

Organisation: N/A

Wish to speak to the submission: Yes

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

Submitter Number: 4

Full name: Sarah Walters

Organisation: N/A

Wish to speak to the submission: Yes

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

Submitter Number: 5

Full name: Chris Brown

Organisation: N/A

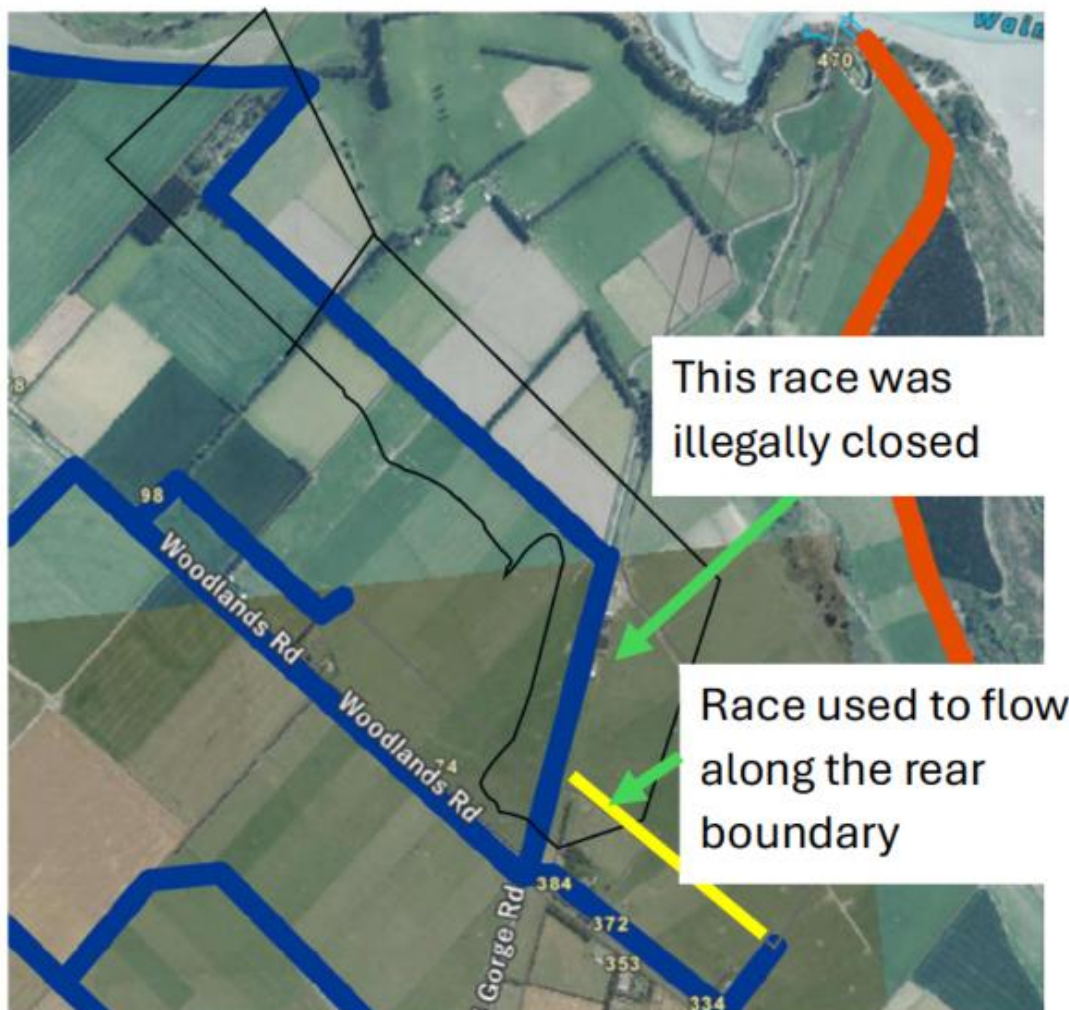
Wish to speak to the submission: N/A

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 Google 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]

Submitter Number: 6

Full name: David Te Kapa

Organisation: N/A

Wish to speak to the submission: N/A

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

Submitter Number: 7

Full name: Sean Rooney

Organisation: N/A

Wish to speak to the submission: N/A

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 purposely 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.



Submitter Number: 8

Full name: P and E Ltd

Organisation: N/A

Wish to speak to the submission: N/A

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

Submitter Number: 9

Full name:

Organisation: N/A

Wish to speak to the submission: No

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 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

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