



**ORDINARY MEETING OF THE  
WATER RACE SUB-COMMITTEE  
TO BE HELD IN THE  
EXECUTIVE MEETING ROOM  
ON MONDAY 9 OCTOBER 2017  
COMMENCING AT 1.30PM**

If you are unable to attend the meeting please advise the Secretary  
[maree.pycroft@selwyn.govt.nz](mailto:maree.pycroft@selwyn.govt.nz) or phone (03) 347-2891



**AGENDA**  
**OF THE ORDINARY MEETING OF THE**  
**WATER RACE SUB-COMMITTEE**  
**EXECUTIVE MEETING ROOM**  
**ON MONDAY 9 OCTOBER 2017 – 1.30pm**

**Committee Members in Attendance**

1. Nigel Barnett (Chairman)
2. Cr Pat McEvedy
3. Cr Craig Watson (Selwyn Central)
4. Mike Chaffey (Ellesmere)
5. Harry Schat (Ellesmere)
6. John Clarkson (Malvern)
7. John Shanks (Paparua)
8. Martin Le Comte (Paparua Water Race Irrigation User Group)
9. Tim Morris (Paparua)
10. Clayton Fairbairn
11. Mike Mora (Christchurch City Council - representing Waimairi and Wigram Wards)
12. Kerry Pauling (Malvern Community Board representative)

**In attendance**

13. Murray England, Strategic Manager Water Services
14. Daniel Meehan, Surface Water Operations Engineer
15. Maree Pycroft, Secretary
16. Jo Carlton (CCC)
17. Mark Odlin (Buddlefindlay)
18. Rennae Hopkins (Buddlefindlay)

**1. APOLOGIES**

Craig Watson  
Creagh Robinson, Accountant

*"That the apologies be noted."*

**2. PUBLIC FORUM**

Mrs Hawkins (Coxs Road, Springfield)

**3. CONFIRMATION OF MINUTES (Page 5)**

*"That the Selwyn District Council Water Race Sub-Committee confirm the minutes of the Ordinary Meeting held on Monday, 14 August 2017 as a true and accurate record."*

#### **4. CORRESPONDENCE (Page 9)**

##### **4.1 Letter from William Stuart Lemon**

Fish Salvage Requirements Water Race Closure Application 2411016200

#### **5. MATTERS ARISING**

#### **6. FINANCIAL (Page 11)**

##### **6.1 Finance Report to 31 August 2017**

*“That the financial report to 31 August 2017 be received for information”*

##### **6.2 Items of Unplanned Expenditure over \$5,000 (Page 31)**

(Daniel Meehan, Surface Water Operations Engineer)

*‘That the Water Race Sub-Committee receives the Unplanned Expenditure Report’*

#### **7. WATER SERVICES REPORT**

##### **7.1 Stock Water Race Fish Screens Update**

Project is progressing well at Skurrs Waimak site and Lower Rakaia Sites nearly complete and onsite work will be finished in next couple of weeks. Waimak site we have had ecological assessment completed of the bypass channel as requested by ECAN, waiting for report to be sent to us.

Glentunnel Site was damaged during rain event, major damage to the river bank at intake this will be repaired with river rock and anchor tree protection when water levels recede. Have discussed proposed redesign with the golf course and included some of their concerns / requests in design. Waiting price from contractor before committing and proceeding.

##### **7.2 Proposed Water Race Closures to Proceed to Public Consultation (Page 32)**

(Daniel Meehan, Report from Surface Water Operations Engineer)

##### **7.3 Proposed Water Race Closures Approval – Post Public Consultation (Page 54)**

(Daniel Meehan, Report from Surface Water Operations Engineer)

##### **7.4 Water Race Bylaw 2008 Review (Page 75)**

(Murray England, Water Strategic Manager)

##### **7.5 2018-28 Long Term Plan**

Committee members are encouraged to consider and discuss the key issues and opportunities which should be consulted on as part of the 2018-28 Long Term Plan. The Asset Manager Water Services will lead the committee through this discussion.

## **7.6 Workshop**

The Asset Manager Water Services proposes that a second workshop be run to further refine the proposal for a new Water Race rating structure. The 30<sup>th</sup> October 2017 is proposed. Notes from the last workshop along with an Agenda for the new workshop will be provided by 24<sup>th</sup> October.

## **8. HEALTH & SAFETY REPORT**

No Incidents to Report.

Priority One site improvements progressing with most structure being manufactured, site works and footing is scheduled for October and November.

Safety Concerns raised for Kowai Air Shaft by Sicon – Waiting pricing and solution for repair.

## **9. GENERAL BUSINESS**

### **Next Meeting**

The next Water Race Sub Committee meeting is on 11 December 2017 commencing 1.30pm.



**MINUTES**  
**OF THE ORDINARY MEETING OF THE**  
**WATER RACE SUB-COMMITTEE**  
**EXECUTIVE MEETING ROOM**  
**ON MONDAY 14 AUGUST 2017 – 1.30pm**

**Committee Members in Attendance**

1. Nigel Barnett (Chairman)
2. Cr Craig Watson (Selwyn Central)
3. Mike Chaffey (Ellesmere)
4. Harry Schat (Ellesmere)
5. John Clarkson (Malvern)
6. John Shanks (Paparua)
7. Martin Le Comte (Paparua Water Race Irrigation User Group)
8. Tim Morris (Paparua)
9. Mike Mora (Christchurch City Council - representing Waimairi and Wigram Wards)
10. Kerry Pauling (Malvern Community Board representative)

**In attendance**

11. Murray England, Strategic Manager Water Services
12. Creagh Robinson, Management Accountant
13. Cr Bob Mugford
14. Therese Davel, Council governance co-ordinator

**1. APOLOGIES**

Tim Morris, Cr Pat McEvedy, Mayor Sam Broughton and Clayton Fairbairn

Moved – John Clarkson / Seconded – Harry Schat

*“That the apologies be noted.”*

**CARRIED**

**2. CONFIRMATION OF MINUTES**

Moved – Councillor Craig Watson / Seconded – Mike Mora

*“That the Selwyn District Council Water Race Sub-Committee confirm the minutes of the Ordinary Meeting held on Monday, 12 June 2017 as a true and accurate record.”*

**CARRIED**

### 3. MATTERS ARISING

### 4. FINANCIAL

#### 4.1 Finance Report to 30 June 2017

(Creagh Robinson, Management Accountant)

The Management Accountant spent some time explaining the financials to the group. Some of the issues raised and comments made are listed below:

1. Ellesmere Water Race

Interim final account for period ending June

Slightly better deficit than usual although accounts have not been closed off yet.

In a couple of years the account should be standing at zero.

In summary the account has funds in the bank and seems to be doing fine.

2. Malvern Water Race

Similar position with a 180k deficit as opposed to previous 106k.

The operations position was in part a result of capital expenditure of fish screens – historically Selwyn District Council did not fund fish screens but have recently had to do it as a result of Environment Canterbury.

A comment about moving operational funds was cautioned against in terms of once operational funds were put into a special fund there were limitations as to what it could be spent on.

There was a brief discussion about the three fish screens at the three intakes (Waimakariri, Selwyn and Kowai) and noted that CPW would be paying for some of the power install costs and 1 of the 3 screens at the Kowai intake.

3. Paparua Water Race

Also doing fine with operating expenditure more than what was expected, however performing as expected.

Irrigation rebate for the scheme was discussed with the Management Accountant noting there was a credit issue every year for the amount of times they can take and the fact people were being billed in advance.

There was a brief discussion about a current vacancy in the Water Services team with a particular role previously undertaken around going through transactions to determine when a repair becomes a renewal.

The Subcommittee agreed it was a crucial role.

Moved - Mike Mora / Seconded – Kerry Pauling

*‘That Council be informed that the Subcommittee strongly suggests that:*

- a ‘stormwater drainage engineering position’ needs to be recruited in a timely manner; and*
- that one of the roles would be to determine whether there was requirement for a renewal or a repair.’*

**CARRIED**

Moved – Mike Mora / Seconded – Councillor Craig Watson

*“That the financial report to 30 June 2017 be received for information”*

**CARRIED**

#### **4.2 Items of Unplanned Expenditure over \$5,000** (Daniel Meehan, Surface Water Operations Engineer)

The Strategic Manager Water Services noted that safety improvements were considered Priority 1, after a health and safety audit and recommendation by SiteSafe to Council Management.

Moved – Mike Mora / Seconded – Kerry Pauling

*'That the Water Race Sub-Committee receives the Unplanned Expenditure Report'*

**CARRIED**

### **5. WATER SERVICES REPORT**

#### **5.1 Stock Water Race Fish Screens Update**

- Work is progressing on all 3 fish screen sites.
- Waimakariri Site, Work was held up at Waimakariri (Skurrs site) due to concerns over the suitability of the chosen fish return channel. This is now resolved with the requirement to do further ecological monitoring of the channel and determine if and how much channel clearing is required. Site work is progressing well.
- Rakaia site, Earthworks and site preparation has begun race diversion was in place but was damaged during rain event, this should easily be repaired and re-established when instream work begins
- Glentunnel Site – This site was progressing well but July flood event caused damage to work site and scouring of river banks threatens the site. Work at site is now on hold and evaluating what work needs to be done to better protect the site, redesign required to change layout so site to better protected for future flood events. Contacting ECAN regarding river work.

### **6. HEALTH & SAFETY REPORT**

- Sicon have provided pricing for work required at priority 1 sites, this price has been accepted and work should be completed over next 10 weeks. Price for the 10 priority 1 sites is \$86,842.00. This does not include Waimak intake where investigation for better options is required.
- Concerns were raised over Kowai Air shaft, and to fix this is going to be challenging due to existing ground conditions, location etc. Council is yet to receive a price for this.

### **7. SELWYN DISTRICT COUNCIL WATER RACE BYLAW 2008**

The Strategic Manager Water Services told the Subcommittee that the draft Bylaw had been reviewed by Council's lawyers, Buddle Finlay. Any comments would be discussed with the lawyers again and a final draft will be presented at the next meeting.

The Strategic Manager Water Services then went through the Bylaw page by page.

#### P 1 Objectives

Supply households with untreated water should be a secondary objective.

#### P 4(g)

GIS maps will be referenced to clearly show Council owned and operated Water Races

#### P 4 (i)

Review definition of clause

Define 'domestic use'

Make sure it's clear that responsibility is on the property owner that it is untreated water

P 4 (k)

Incorporate a subclause to include both *non-commercial* and *domestic*

5.1 Right to Take Water

Delete Item (a) thereby Item (b) becomes (a)

6.1(v)2

Include the word '*stock*' in front of *drinking stations*

6.1 (vii)

Suggested to remove all-together, however during further discussion around Council being able to indemnify itself, the following Action Point was formulated:

That the Environmental Services Manager be requested for an opinion and a report back given at the next Subcommittee meeting.

Item 6.5 (j)(i)

Remove clause (i) from 6.5(j)

Item 6.5 (k)

Explore further and clarify what liability/process Council has

Item 7.1(t)

Include the sentiment that owners can plant on one side of the race but keep the other open for cleaning and the efficient operation of the race.

Item 7.1 (u)

Reduce 10 metres to 5 metres

Item 8 Council Responsibilities

Delete all-together

## **8. GENERAL BUSINESS**

None

### **Next Meeting**

The next Water Race Sub Committee meeting is on 9 October 2017 commencing 1.30pm.

The meeting closed at 2.47pm.

Signed as a true and accurate record of the meeting.

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Chairman

Date



170915002

14 August 2017  
Selwyn District Council  
2 Norman Kirk Drive  
Rolleston

Dear Daniel Meehan

SCANNED



**Fish Salvage Requirements Water Race closure application at 2411016200**

Your requirement and quotes for recovery of wildlife in the water races for closure is unacceptable and we are not prepared to contribute to the cost of the recovery that you propose.

Who has deemed it necessary fish salvage is required, and what numbers have they shown to be currently living in this area that would require recovery. Fish screens are installed at the intake to prevent salmon and trout entering the stock water race system.

Having cleaned and maintained the water races in question on our property for 37 years I do not believe there is any significant number (if any) of fish currently living in this water race that would warrant the time and cost involved required for relocation.

The Council regularly turn the off the water to these water races during the year for low water flow reasons or to allow land owners to clean them. At no time on these occasions have they ever carried out a fish recovery programme.

In the past another water race running through our property was required to be closed; (with approval received from the Council) no wildlife relocation was ever proposed or required by them to be done.

Yours Sincerely,

William Stuart Lemon

A handwritten signature in black ink, appearing to read "William Stuart Lemon".

## Race Committee

Stewart and Ann Blakely are applying to close the water race going through their land. ~~For~~

3 winters ago Robbie Bell was rearranging the race in his place. He didn't need our water he said. The water leaving our land wouldn't flow up hill so flooding occurred. We looked at closing at time. The water then stopped and only flowed occasionally. The owner

ship changed along River road and the water race above us was moved and now doesn't flow in to a Pond. This water now seems to flow continuously into our paddocks during winter.

Robbie who doesn't require our race (has other races he uses) and our self who have always used troughs do not require it. We want the race closed down. The race man and Daniel

tell me that if those above us want the water they will have to produce a soak pit. We agree with this!

## **PUBLIC REPORT**

**TO:** Chief Executive

**FOR:** Ellesmere, Malvern and Paparua water race scheme  
Sub-Committee – 9 October 2017

**FROM:** Management Accountant

**DATE:** 22 September 2017

**SUBJECT:** **Financial Report to 31 August 2017**

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### **1. RECOMMENDATION**

**That the financial report for Ellesmere, Malvern and Paparua water race scheme to 31 August 2017 be received for information.**

### **2. PURPOSE**

That the financial report to 31 August 2017 be received for information.

### **3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT**

Not applicable.

### **4. HISTORY/BACKGROUND**

Attached is the financial report for Ellesmere, Malvern and Paparua water race scheme to 31 August 2017

The accounts represent the financial operating position of the Ellesmere, Malvern and Paparua water race schemes for the period ended 31 August 2017.

## COMMENTARY

A Summary of the accounts as at the 31 August 2017 follows.

### Ellesmere Water Race

#### Operational Position Summary

Revenue	YTD Actual \$	YTD Budget \$	Variance	2016/2017 Actual
Targeted Rate	73,137	74,996	(1,859)	391,420
Ellesmere Unit charge	2,059	2,060	(1)	11,236
General Receipts	0	0	0	0
Irrigation Charges	0	0	0	36,241
<b>Total Revenue</b>	<b>75,196</b>	<b>77,056</b>	<b>(1,860)</b>	<b>438,897</b>
<b>Expenditure</b>				
Total Operational Expenditure	94,754	106,789	12,035	493,565
Total Support	16,300	16,300	0	92,236
Total Operational Projects	1,359	4,226	2,867	119
Total Renewals	3,738	27,500	23,762	0
<b>Total Expenditure</b>	<b>116,151</b>	<b>154,815</b>	<b>38,664</b>	<b>585,920</b>
<b>Operating Surplus/(Deficit)</b>	<b>(40,955)</b>	<b>(77,759)</b>	<b>36,804</b>	<b>(147,023)</b>

#### Operating Position Summary

	YTD Actual \$	YTD Budget \$	Variance
<b>Opening Account Balance</b>	<b>230,187</b>	<b>210,187</b>	<b>20,000</b>
<b>Plus</b> Operating Surplus/(Deficit)	(40,955)	(77,759)	36,804
<b>Plus</b> Prior year Projects Carried Forward	0	20,000	(20,000)
<b>Less</b> Capital Projects	(79,009)	(89,700)	10,691
Net Reserves Transfers	3,738	27,500	(23,762)
<b>Closing Account Balance</b>	<b>113,961</b>	<b>90,228</b>	<b>23,733</b>

#### Special Funds Account - Renewals

	YTD Actual \$	YTD Budget \$	Variance
<b>Opening Account Balance</b>	<b>86,014</b>	<b>86,014</b>	<b>0</b>
<b>Plus</b> Transfers in	0	0	0
<b>Plus</b> Interest	0	0	0
<b>Less</b> Funding of Renewals	(3,738)	(27,500)	23,762
<b>Closing Account Balance</b>	<b>82,276</b>	<b>58,514</b>	<b>23,762</b>

### Year to Date Commentary

Operations to the 31 August 2017 resulted in a net operating deficit of (\$40,955) against a budgeted deficit for the same period of (\$77,759).

### Revenue

Total revenue to the 31 August 2017 is marginally unfavourable to budget by (\$1,860).

### Operational Expenditure

Operating expenditure to the 31 August 2017 is favourable to budget by \$12,035.

Maintenance and CPW Ltd transition costs are favourable to budget by \$14,410 which is partially offset by insurance costs being higher than budget by (\$1,208) and infrastructure agreement fees being unfavourable to budget by (\$2,460).

Project expenditure to the 31 August 2017 totals \$1,359 against a budget of \$4,226. Expenditure to date has been on Upper Ellesmere water race closure.

Renewal expenditure is favourable to budget by \$23,762. Renewals are funded from reserves and do not have an impact on the operating result.

### Capital Projects

Capital expenditure to the 31 August 2017 totals \$79,009 against a budget of \$89,700. The expenditure relates to the fish screens on the lower Kowhai.



**Malvern Area Water Race  
Operational Position  
Summary**

Revenue	2017 / 2018 YTD Actual	2017 / 2018 YTD Budget	Variance \$	2016/17 Actual
Targeted Rate	142,968	143,116	(148)	715,067
Urban Public Good	3,913	3,956	(43)	19,263
General Receipts	0	0	0	14,522
Malvern irrigation	0	0	0	43,399
<b>Total Revenue</b>	<b>146,881</b>	<b>147,072</b>	<b>(191)</b>	<b>792,251</b>
<b>Expenditure</b>				
Total Operational Expenditure	140,792	154,697	13,905	720,197
Total Support	18,445	18,444	(1)	104,372
Total Operational Projects	65	5,060	4,995	51,492
Total Renewals	3,738	20,000	16,262	33,973
<b>Total Expenditure</b>	<b>163,040</b>	<b>198,201</b>	<b>35,161</b>	<b>910,034</b>
<b>Operating Surplus/(Deficit)</b>	<b>\$(16,159)</b>	<b>\$(51,129)</b>	<b>\$34,970</b>	<b>(117,783)</b>

**Operating Position Summary**

	2017 / 2018 YTD Actual	2017 / 2018 YTD Budget	Variance \$
<b>Opening Account Balance</b>	<b>(1,070,286)</b>	<b>(1,889,794)</b>	<b>819,508</b>
<b>Plus</b> Operating Surplus/(Deficit)	(16,159)	(51,129)	34,970
<b>Plus</b> Prior year Projects Carried Forward	0	819,508	(819,508)
<b>Less</b> Capital Projects	(274,969)	(350,613)	75,644
Net Reserves Transfers	3,738	20,000	(16,262)
<b>Closing Account Balance</b>	<b>(\$1,357,676)</b>	<b>(\$1,452,028)</b>	<b>94,352</b>

**Special Funds Account - Renewals**

	2017 / 2018 YTD Actual	2017 / 2018 YTD Budget	Variance \$
<b>Opening Account Balance</b>	<b>378,081</b>	<b>378,081</b>	<b>0</b>
<b>Plus</b> Transfers in	0	0	0
<b>Plus</b> Interest			0
<b>Less</b> Funding of Renewals	(3,738)	(20,000)	16,262
<b>Closing Account Balance</b>	<b>\$374,343</b>	<b>\$358,081</b>	<b>16,262</b>

### Year to Date Commentary

Operations to the 31 August 2017 have resulted in an operating deficit of (\$16,159) against a budgeted deficit (\$51,129).

### Revenue

Total revenue to the 31 August 2017 is slightly unfavourable to budget by (\$191)

### Operational Expenditure

Operating expenditure to the 31 August 2017 is favourable to budget by \$13,905 due to Maintenance and enhancement costs being favourable to budget by \$17,275. This has been partially offset by insurance costs being unfavourable to budget by (\$4,514)

Project expenditure to the 31 August 2017 totals \$65 against a budget of \$5,060. There has been no expenditure to date on the Health and Safety Improvements and Renewal of Consents projects which have a combined full year budget of \$25,346.

Renewal expenses are favourable to budget by \$16,262. Renewal costs are funded from the renewal reserve and do not have an impact on the operating result.

### Capital Projects

Capital Projects expenditure to the 31 August 2017 is favourable to budget by \$75,644. The replacement of fish screens at the Upper Kowai, and Waimakariri Intakes account for \$29,626 of this amount. The full year budget for these projects is \$613,395 and is funded from rates. Capital projects not yet started are Glentunnel Intake Upgrade (full year budget \$186,113), SCADA Monitoring (full year budget \$40,000) and Health and Safety Upgrades (full year budget \$50,000)

**Paparua Water Race  
Operational Position  
Summary**

Revenue	YTD Actual \$	YTD Budget \$	Variance \$	2016/2017 Actual
Targeted Rate	83,402	85,366	(1,964)	414,530
Public Good Rate	9,863	9,846	17	48,985
Urban Public Good	23,598	23,476	122	109,871
CCC Share-Public Good	35,848	35,848	0	71,696
Irrigation Right Application	0	0	0	0
General Receipts	0	0	0	780
Dawsons Rd Water Race Upgrade	0	0	0	0
Irrigation Charges	0	0	0	167,107
Irrigation Rebate	0	0	0	(48,961)
<b>Total Revenue</b>	<b>152,711</b>	<b>154,536</b>	<b>(1,825)</b>	<b>764,008</b>
<b>Expenditure</b>				
Total Operational Expenditure	131,910	143,773	11,863	823,112
Total Support	8,150	8,150	0	46,118
Total Operational Projects	0	4,026	4,026	2,998
Total Renewal Expenditure	0	20,000	20,000	
<b>Total Expenditure</b>	<b>140,060</b>	<b>175,949</b>	<b>35,889</b>	<b>872,228</b>
<b>Operating Surplus/(Deficit)</b>	<b>\$12,651</b>	<b>\$(21,413)</b>	<b>\$34,064</b>	<b>(108,220)</b>

**Operating Position Summary**

	Actual \$	YTD Budget \$	Variance \$
<b>Opening Account Balance</b>	<b>(386,067)</b>	<b>(404,869)</b>	<b>18,802</b>
<b>Plus</b> Operating Surplus/(Deficit)	12,651	(21,413)	34,064
<b>Plus</b> Prior year Projects Carried Forward	0	18,800	(18,800)
<b>Less</b> Capital Projects	0	(10,834)	10,834
Net Reserves Transfers	0	20,000	(20,000)
<b>Closing Account Balance</b>	<b>(\$373,416)</b>	<b>(\$398,316)</b>	<b>\$24,900</b>

**Special Funds Account - Renewals**

	YTD Actual \$	YTD Budget \$	Variance
<b>Opening Account Balance</b>	<b>302,402</b>	<b>302,402</b>	<b>0</b>
<b>Plus</b> Transfers in			0
<b>Plus</b> Interest	0	0	0
<b>Less</b> Funding of Renewals	0	(20,000)	20,000
<b>Closing Account Balance</b>	<b>\$302,402</b>	<b>\$282,402</b>	<b>\$20,000</b>



### Year to Date Commentary

Operations to the 31 August 2017 resulted in an operating Surplus of \$12,651 against a budgeted deficit for the same period of (\$21,413).

### Revenue

Total revenue to the 31 August 2017 is marginally unfavourable to budget by a total of (\$1,825).

### Operational Expenditure

Operating expenditure to the 31 August 2017 is favourable to budget by \$11,863. Maintenance and enhancement costs are favourable to budget by \$12,276 which has been partially offset by insurance costs being unfavourable to budget by (\$1,346)

### Projects

There has been no project expenditure to date.

### Renewals

There has been no renewal expenditure to date.

### Capital Projects

There has been no capital project expenditure as at the 31 August 2017.

## **5. PROPOSAL**

That the interim financial report to 31 August 2017 be received for information.

## **6. OPTIONS**

Not applicable.

## **7. VIEWS OF THOSE AFFECTED/CONSULTATION**

### **a) Views of those affected**

Not applicable.

### **b) Consultation**

Not applicable.

### **c) Maori implications**

Not applicable.

## **8. RELEVANT POLICY/PLANS**

Not applicable.

**9. COMMUNITY OUTCOMES**

Not applicable.

**10. NEGATIVE IMPACTS**

Not applicable.

**11. LEGAL IMPLICATIONS**

Not applicable.

**12. FUNDING IMPLICATIONS**

Not applicable.

**13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?**

Assets Department has been consulted in preparation of this report.



Creagh Robinson  
**MANAGEMENT ACCOUNTANT**

**ENDORSED FOR AGENDA**



Greg Bell  
**MANAGER CORPORATE SERVICES**

Financial Month is set to 08/17 and Budget AB01 is in use.

ELLESMERE WATER RACE OPER.

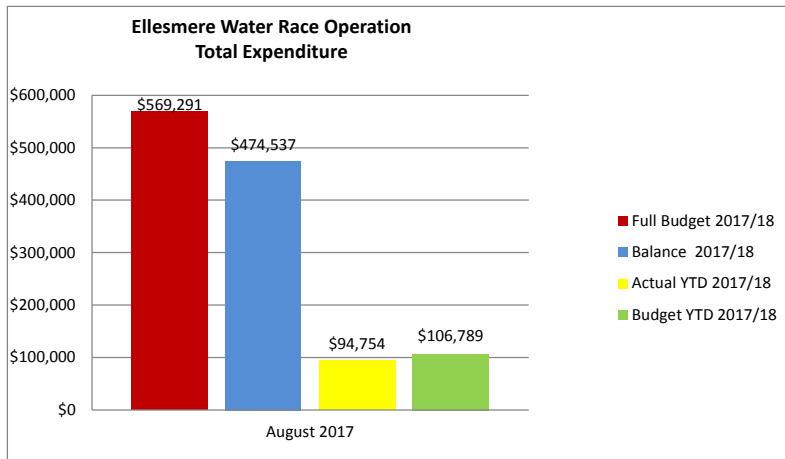
August 2017



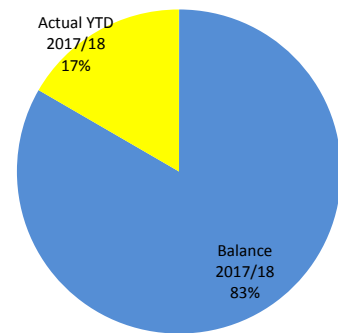
Statement of Operations

Account	Detail	Month Actual	Month Budget	Month Variance	YTD Actual 2017/18	Ytd Budget 2017/18	Ytd Variance	Committed Expenditure	FYR Budget 2017/18	Last Year 2016/17
<b>Opening Balance</b>										
3921 980 01	Ellesmere W/Rc Oper Open Blnce	-	-	-	\$230,187	\$210,187	\$20,000	-	\$210,187	\$442,379
	<b>Total Opening Balance</b>	-	-	-	<b>\$230,187</b>	<b>\$210,187</b>	<b>\$20,000</b>	-	<b>\$210,187</b>	<b>\$442,379</b>
<b>Income</b>										
3921 101	Targeted Rate	\$36,137	\$37,498	(\$1,361)	\$73,137	\$74,996	(\$1,859)	-	\$449,980	\$391,420
3921 101 01	Ellesmere Unit charge	\$1,029	\$1,030	(\$1)	\$2,059	\$2,060	(\$1)	-	\$12,359	\$11,236
3921 187	Irrigation charges	-	-	-	-	-	-	-	\$110,000	\$36,241
	<b>Total Income</b>	<b>\$37,166</b>	<b>\$38,528</b>	<b>(\$1,362)</b>	<b>\$75,196</b>	<b>\$77,056</b>	<b>(\$1,860)</b>	-	<b>\$572,339</b>	<b>\$438,897</b>
<b>Expenditure</b>										
3921 410 01	External Consultants Fee	-	\$223	\$223	-	\$446	\$446	-	\$2,673	\$5,438
3921 541	Insurance	\$8,997	\$7,789	(\$1,208)	\$8,997	\$7,789	(\$1,208)	-	\$7,789	\$7,418
3921 583 101	Maint - General S	\$30,053	\$30,053	-	\$60,107	\$60,106	(\$1)	-	\$360,641	\$361,982
3921 583 102	Maint - General R	\$3,568	\$7,582	\$4,014	\$6,587	\$15,164	\$8,577	-	\$90,988	\$62,465
3921 583 282	Maint - Removal R	-	\$1,667	\$1,667	-	\$3,334	\$3,334	-	\$20,000	-
3921 583 602	Maint - Source/Well/Headwork R	-	-	-	-	-	-	-	-	\$138
3921 593 03	Infrastructure Agreement Fee	-	-	-	\$18,710	\$16,250	(\$2,460)	-	\$65,000	\$44,701
3921 598 02	CPW transition	-	\$1,250	\$1,250	-	\$2,500	\$2,500	-	\$15,000	\$8,024
3921 868	ECan/Los Monitoring	\$248	\$500	\$252	\$248	\$1,000	\$752	-	\$6,000	\$2,518
3921 868 01	SCADA Costs	\$100	\$100	-	\$105	\$200	\$95	-	\$1,200	\$881
	<b>Total Expenditure</b>	<b>\$42,966</b>	<b>\$49,164</b>	<b>\$6,198</b>	<b>\$94,754</b>	<b>\$106,789</b>	<b>\$12,035</b>	-	<b>\$569,291</b>	<b>\$493,565</b>
<b>Support</b>										
3921 890 3900	Support Charges-WTR RACE	\$8,150	\$8,150	-	\$16,300	\$16,300	-	-	\$97,800	\$92,236
	<b>Total Support</b>	<b>\$8,150</b>	<b>\$8,150</b>	-	<b>\$16,300</b>	<b>\$16,300</b>	-	-	<b>\$97,800</b>	<b>\$92,236</b>
<b>Projects</b>										
3921 061	Renewal of consents	-	\$446	\$446	-	\$892	\$892	-	\$5,346	-
3921 062	Health and Safety improvements	-	\$1,667	\$1,667	-	\$3,334	\$3,334	-	\$20,000	\$119
3921 063	Upper Ellesmere Water Race Closure	\$1,359	-	(\$1,359)	\$1,359	-	(\$1,359)	\$8,641	-	-
	<b>Total Projects</b>	<b>\$1,359</b>	<b>\$2,113</b>	<b>\$754</b>	<b>\$1,359</b>	<b>\$4,226</b>	<b>\$2,867</b>	<b>\$8,641</b>	<b>\$25,346</b>	<b>\$119</b>
<b>Transfers - Operations</b>										
3921 970 01	Transfer (to)/from Reserves	-	-	-	-	-	-	-	-	(\$53,948)
3921 970 99	Carry Forward Projects	-	-	-	-	\$20,000	(\$20,000)	-	\$20,000	-
	<b>Total Transfers - Operations</b>	-	-	-	-	<b>\$20,000</b>	<b>\$20,000</b>	-	<b>\$20,000</b>	<b>(\$53,948)</b>
	<b>Operating Surplus/(Deficit)</b>	<b>(\$15,309)</b>	<b>(\$20,899)</b>	<b>\$5,590</b>	<b>\$192,970</b>	<b>\$179,928</b>	<b>\$13,042</b>	<b>(\$8,641)</b>	<b>\$110,089</b>	<b>\$241,408</b>
<b>Capital Projects</b>										
3921 900 37	Fish Screen - Lower Rakaia	\$73,800	\$31,183	(\$42,617)	\$79,009	\$62,366	(\$16,643)	\$12,380	\$374,200	\$11,222
3921 900 48	Terricelee auto gate SCADA	-	\$6,250	\$6,250	-	\$12,500	\$12,500	-	\$75,000	-
3921 900 49	SCADA steels RD	-	\$333	\$333	-	\$666	\$666	-	\$4,000	-
3921 900 50	Emergency tipout for irrigators	-	\$2,917	\$2,917	-	\$5,834	\$5,834	-	\$35,000	-
3921 900 51	Health and Safety improvements	-	\$4,167	\$4,167	-	\$8,334	\$8,334	-	\$50,000	-
	<b>Total Capital Projects</b>	<b>\$73,800</b>	<b>\$44,850</b>	<b>(\$28,950)</b>	<b>\$79,009</b>	<b>\$89,700</b>	<b>\$10,691</b>	<b>\$12,380</b>	<b>\$538,200</b>	<b>\$11,222</b>
<b>Renewals</b>										
3921 905 100	Renewals - Linear (Pipe Valve)	\$3,738	\$10,000	\$6,262	\$3,738	\$20,000	\$16,262	-	\$120,000	-
3921 905 110	Renewals - P&E (PS TP Teley)	-	\$3,750	\$3,750	-	\$7,500	\$7,500	-	\$45,000	-
	<b>Total Renewals</b>	<b>\$3,738</b>	<b>\$13,750</b>	<b>\$10,012</b>	<b>\$3,738</b>	<b>\$27,500</b>	<b>\$23,762</b>	-	<b>\$165,000</b>	-
	<b>Closing balance</b>	<b>(\$92,847)</b>	<b>(\$79,499)</b>	<b>(\$13,348)</b>	<b>\$110,223</b>	<b>\$62,728</b>	<b>\$47,495</b>	<b>(\$21,021)</b>	<b>(\$593,111)</b>	<b>\$230,186</b>
<b>Special Funds</b>										
3921 982 50	Renewal Reserve	-	\$1,619	(\$1,619)	-	(\$1,616)	\$1,616	-	-	-
	<b>Total Special Funds</b>	-	-	-	<b>\$86,014</b>	<b>\$86,014</b>	-	-	<b>\$86,014</b>	<b>\$86,014</b>

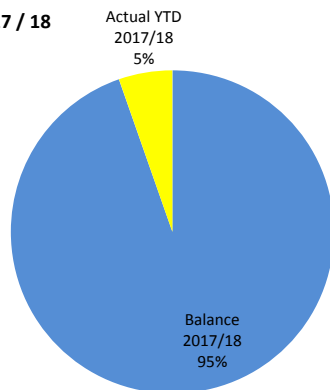
	Full Budget 2017/18	Balance 2017/18	Actual YTD 2017/18	Budget YTD 2017/18	% spent
Total Expenditure	\$569,291	\$474,537	\$94,754	\$106,789	17%
Total Projects	\$25,346	\$23,987	\$1,359	\$4,226	5%
Capital Projects	\$538,200	\$459,191	\$79,009	\$89,700	15%



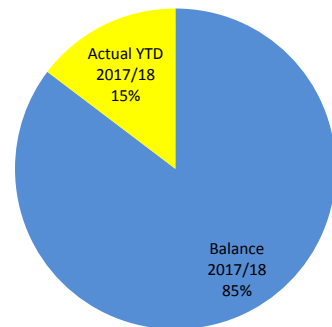
**Total Expenditure Budget 2017 /18**



**Projects 2017 / 18**



**Capital Projects 2017 / 18**



ELLESMERE WATER RACE - FINANCIAL COMMENTARY FOR THE YEAR ENDED AUGUST 2017					
Account	Expenditure	Actual	Budget	Variance	Details
3921 410 01	External Consultants Fee	\$0	\$446	\$446	
3921 541	Insurance	\$8,997	\$7,789	(\$1,208)	Aug - Infrastructure premium
3921 583 101	Maint - General S	\$60,107	\$60,106	(\$1)	July - Sicon Ltd - C1241 Claim Water Service O&M
3921 583 102	Maint - General R	\$6,587	\$15,164	\$8,577	July - Sicon Ltd - 3018.96, Aug - Sicon Ltd - 569.25, 2998.96
3921 583 282	Maint - Removal R	\$0	\$3,334	\$3,334	
3921 583 601	Maint - Source/Well/Headwork R	\$0	\$0	\$0	
3921 583 602	Maint - Source/Well/Headwork R	\$0	\$0	\$0	
3921 593 03	Infrastructure Agreement Fee	\$18,710	\$16,250	(\$2,460)	July - Glenroy Agreement to 30 Sept - 11391.65, LRDG cost share - 7318.15
3921 598 02	CPW transition	\$0	\$2,500	\$2,500	
3921 868	ECan/Los Monitoring	\$248	\$1,000	\$752	Aug - Ecan consent monitoring
3921 868 01	SCADA Costs	\$105	\$200	\$95	Jul - 2Way Airtime - 5.38, Aug - Qtech Data - 99.85
	<b>Total Expenditure</b>	<b>\$94,754</b>	<b>\$106,789</b>	<b>\$12,035</b>	
3921 890 3900	Support Charges-WTR RACE	\$16,300	\$16,300	\$0	July - Selwyn District Council - Standard Charge
	<b>Total Support</b>	<b>\$16,300</b>	<b>\$16,300</b>	<b>\$0</b>	
	<b>Projects</b>				
3921 061	Renewal of consents	\$0	\$892	\$892	
3921 062	Health and Safety improvements	\$0	\$3,334	\$3,334	
3921 063	Health and Safety Improvements	\$1,359	\$0	(\$1,359)	Aug - Buddle Findlay - 1359.15
	<b>Total Projects</b>	<b>\$1,359</b>	<b>\$4,226</b>	<b>\$2,867</b>	
	<b>Capital</b>				
3921 900 37	Fish Screen - Lower Rakaia	\$79,009	\$62,366	(\$16,643)	July - Mappazzo - 5209.00, Aug - Isacc construction - 59148.04, Orion - 3610.00, Isaacs - 11041.50
3921 900 48	Terricelee auto gate SCADA	\$0	\$12,500	\$12,500	
3921 900 49	SCADA steels RD	\$0	\$666	\$666	
3921 900 50	Emergency tipout for irrigators	\$0	\$5,834	\$5,834	
3921 900 51	Health and Safety improvements	\$0	\$8,334	\$8,334	
	<b>Total Capital Projects</b>	<b>\$79,009</b>	<b>\$89,700</b>	<b>\$10,691</b>	
	<b>Renewals</b>				
3921 905 100	Renewals - Linear (Pipe Valve)	\$3,738	\$20,000	\$16,262	Aug - Sicon - 3737.50
3921 905 110	Renewals - Linear (Pipe Valve)	\$0	\$7,500	\$7,500	
	<b>Total Renewals</b>	<b>\$3,738</b>	<b>\$27,500</b>	<b>\$23,762</b>	
	Total of above	\$195,160	\$244,515	\$49,355	

**Ellesmere Water Race  
Operational Position Summary**

Revenue	YTD Actual \$	YTD Budget \$	Variance	2016/2017 Actual
Targeted Rate	73,137	74,996	(1,859)	391,420
Ellesmere Unit charge	2,059	2,060	(1)	11,236
General Receipts	0	0	0	0
Irrigation Charges	0	0	0	36,241
<b>Total Revenue</b>	<b>75,196</b>	<b>77,056</b>	<b>(1,860)</b>	<b>438,897</b>
<b>Expenditure</b>				
Total Operational Expenditure	94,754	106,789	12,035	493,565
Total Support	16,300	16,300	0	92,236
Total Operational Projects	1,359	4,226	2,867	119
Total Renewals	3,738	27,500	23,762	0
<b>Total Expenditure</b>	<b>116,151</b>	<b>154,815</b>	<b>38,664</b>	<b>585,920</b>
<b>Operating Surplus/(Deficit)</b>	<b>(40,955)</b>	<b>(77,759)</b>	<b>36,804</b>	<b>(147,023)</b>

**Operating Position Summary**

	YTD Actual \$	YTD Budget \$	Variance
<b>Opening Account Balance</b>	<b>230,187</b>	<b>210,187</b>	<b>20,000</b>
<b>Plus</b> Operating Surplus/(Deficit)	(40,955)	(77,759)	36,804
<b>Plus</b> Prior year Projects Carried Forward	0	20,000	(20,000)
<b>Less</b> Capital Projects	(79,009)	(89,700)	10,691
Net Reserves Transfers	3,738	27,500	(23,762)
<b>Closing Account Balance</b>	<b>113,961</b>	<b>90,228</b>	<b>23,733</b>

**Special Funds Account - Renewals**

	YTD Actual \$	YTD Budget \$	Variance
<b>Opening Account Balance</b>	<b>86,014</b>	<b>86,014</b>	<b>0</b>
<b>Plus</b> Transfers in	0	0	0
<b>Plus</b> Interest	0	0	0
<b>Less</b> Funding of Renewals	(3,738)	(27,500)	23,762
<b>Closing Account Balance</b>	<b>82,276</b>	<b>58,514</b>	<b>23,762</b>

Financial Month is set to 08/17 and Budget AB01 is in use.

PAPARUA WATER RACE

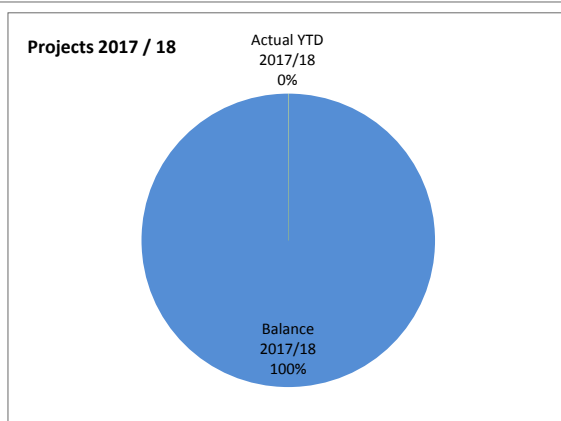
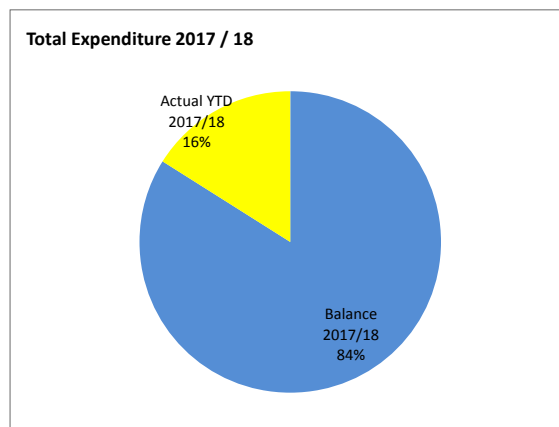
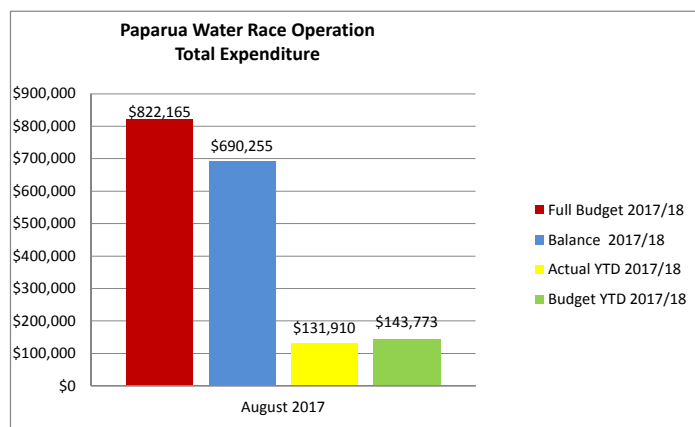
August 2017



## Statement of Operations

Account	Detail	Month Actual	Month Budget	Month Variance	YTD Actual 2016/17	Ytd Budget 2016/17	Ytd Variance	Committed Expenditure	FYR Budget 2016/17	Last Year 2015/16
<b>Opening Balance</b>										
3954 980 01	Paparua W/Rc Oper Open Blnce.	-	-	-	(\$386,067)	(\$404,869)	\$18,802	-	(\$404,869)	(\$109,979)
	<b>Total Opening Balance</b>	-	-	-	(\$386,067)	(\$404,869)	\$18,802	-	(\$404,869)	(\$109,979)
<b>Income</b>										
3954 101	Targeted Rate	\$41,664	\$42,683	(\$1,019)	\$83,402	\$85,366	(\$1,964)	-	\$512,190	\$414,530
3954 101 01	Public Good Rate	\$4,936	\$4,923	\$13	\$9,863	\$9,846	\$17	-	\$59,071	\$48,985
3954 101 02	Urban Public Good	\$11,801	\$11,738	\$63	\$23,598	\$23,476	\$122	-	\$140,861	\$109,871
3954 135	CCC Share-Public Good	-	-	-	\$35,848	\$35,848	-	-	\$71,696	\$71,696
3954 162	General Receipts	-	-	-	-	-	-	-	-	\$780
3954 187	Irrigation Charges	-	-	-	-	-	-	-	\$170,000	\$167,107
3954 187 02	Irrigation Rebate	-	-	-	-	-	-	-	(\$30,000)	(\$48,961)
	<b>Total Income</b>	\$58,401	\$59,344	(\$943)	\$152,711	\$154,536	(\$1,825)	-	\$923,818	\$764,008
<b>Expenditure</b>										
3954 410 011	External Consultants Fee	-	\$312	\$312	-	\$624	\$624	-	\$3,742	-
3954 450	Electricity	\$26	\$50	\$24	\$52	\$100	\$48	-	\$600	\$291
3954 541	Insurance	\$9,439	\$8,093	(\$1,346)	\$9,439	\$8,093	(\$1,346)	-	\$8,093	\$7,706
3954 583 101	Maint - General S	\$55,579	\$55,579	-	\$111,158	\$111,158	-	-	\$666,950	\$666,950
3954 583 102	Maint - General R	\$4,456	\$8,665	\$4,209	\$9,396	\$17,330	\$7,934	\$1,650	\$103,981	\$121,082
3954 583 272	Maint - Cleaning R	\$187	-	(\$187)	\$187	-	(\$187)	-	-	\$2,000
3954 583 602	Maint - Source/Well/Headwork R	\$1,639	-	(\$1,639)	\$1,639	-	(\$1,639)	-	-	\$7,463
3954 593 282	Maint - Bank Removal R	-	\$1,667	\$1,667	-	\$3,334	\$3,334	-	\$20,000	-
3954 868	ECan/LoS Monitoring	-	\$125	\$125	-	\$250	\$250	-	\$1,500	\$750
3954 868 01	Scada Costs	\$33	\$25	(\$8)	\$39	\$50	\$11	-	\$299	\$271
3954 871	Urban Enhancement	-	\$1,417	\$1,417	-	\$2,834	\$2,834	-	\$17,000	\$16,599
	<b>Total Expenditure</b>	\$71,359	\$75,933	\$4,574	\$131,910	\$143,773	\$11,863	\$1,650	\$822,165	\$823,112
<b>Support</b>										
3954 890 3900	Support Charges-WTR RACE	\$4,075	\$4,075	-	\$8,150	\$8,150	-	-	\$48,900	\$46,118
	<b>Total Support</b>	\$4,075	\$4,075	-	\$8,150	\$8,150	-	-	\$48,900	\$46,118
<b>Projects</b>										
3954 082	Health and Safety improvements	-	\$1,567	\$1,567	-	\$3,134	\$3,134	-	\$18,800	\$2,998
3954 084	Renewal of consents	-	\$446	\$446	-	\$892	\$892	-	\$5,346	-
	<b>Total Projects</b>	-	\$2,013	\$2,013	-	\$4,026	\$4,026	-	\$24,146	\$2,998
<b>Transfers - Operations</b>										
3954 970 01	Transfer (to)/from Reserves	-	-	-	-	-	-	-	-	(\$65,170)
3954 970 99	Carry Forward Projects	-	-	-	-	\$18,800	\$18,800	-	\$18,800	-
	<b>Total Transfers - Operations</b>	-	-	-	-	\$18,800	\$18,800	-	\$18,800	(\$65,170)
	<b>Operating Surplus/(Deficit)</b>	(\$17,033)	(\$22,677)	\$5,644	(\$373,416)	(\$387,482)	\$14,066	(\$1,650)	(\$357,462)	(\$283,369)
<b>Capital Projects</b>										
3954 900 07	Railway Road - tipout point	-	\$1,250	\$1,250	-	\$2,500	\$2,500	-	\$15,000	-
3954 900 09	H&S Upgrades	-	\$4,167	\$4,167	-	\$8,334	\$8,334	-	\$50,000	-
	<b>Total Capital Projects</b>	-	\$5,417	\$5,417	-	\$10,834	\$10,834	-	\$65,000	-
<b>Renewals</b>										
3954 905 100	Renewals - Linear (Pipe Valve)	-	\$10,000	\$10,000	-	\$20,000	\$20,000	-	\$120,000	\$102,700
3954 905 110		0	-	-	-	-	-	-	-	-
	<b>Total Renewals</b>	-	\$10,000	\$10,000	-	\$20,000	\$20,000	-	\$120,000	\$102,700
	<b>Closing balance</b>	(\$17,033)	(\$38,094)	\$21,061	(\$373,416)	(\$418,316)	\$44,900	(\$1,650)	(\$542,462)	(\$386,069)
<b>Special Funds</b>										
3954 982 50	Renewal Reserve	-	-	-	\$302,402	\$302,402	-	-	\$302,402	\$302,402
	<b>Total Special Funds</b>	-	-	-	\$302,402	\$302,402	-	-	\$302,402	\$302,402
		-	-	-	-	-	-	-	-	-

	Full Budget 2017/18	Balance 2017/18	Actual YTD 2017/18	Budget YTD 2017/18	% spent
Total Expenditure	\$822,165	\$690,255	\$131,910	\$143,773	16%
Projects	\$24,146	\$24,146	\$0	\$4,026	0%
Capital Projects	\$65,000	\$65,000	\$0	\$10,834	





PAPARUA WATER RACE - FINANCIAL COMMENTARY FOR THE YEAR ENDED - AUGUST 2017					
Account	Expenditure	Actual	Budget	Variance	Description
3954 410 011	External Consultants Fee	\$0	\$624	\$624	
3954 450	Electricity	\$52	\$100	\$48	Meridian - <b>July</b> - 25.64, <b>Aug</b> - 26.37
3954 541	Insurance	\$9,439	\$8,093	(\$1,346)	<b>Aug</b> - Premium 2017/18 - 9438.71
3954 583 101	Maint - General S	\$111,158	\$111,158	\$0	<b>July</b> - Sicon Ltd - C1241 Claim Water Service O&M
3954 583 102	Maint - General R	\$9,396	\$17,330	\$7,934	<b>July</b> - HCB Technologies - 674.31, Sicon Ltd - 4265.77, <b>Aug</b> - Sicon - 4455.52
3954 583 272	Maint - Cleaning R	\$187	\$0	(\$187)	<b>Aug</b> - Refuse Disposal - 186.99
3954 583 602	Maint - Source/Well/Headwork R	\$1,639	\$0	(\$1,639)	<b>Aug</b> - Sicon - 1638.75
3954 593 282	Maint - Bank Removal R	\$0	\$3,334	\$3,334	
3954 868	ECan/LoS Monitoring	\$0	\$250	\$250	
3954 868 01	Scada Costs	\$39	\$50	\$11	<b>July</b> - 2way Airtime - 5.28, <b>Aug</b> - Qtech Data - 33.28
3954 871	Urban Enhancement	\$0	\$2,834	\$2,834	
	<b>Total Expenditure</b>	<b>\$131,910</b>	<b>\$143,773</b>	<b>\$11,863</b>	
3954 890 3900	Support Charges-WTR RACE	\$8,150	\$8,150	\$0	<b>July</b> - Selwyn District Council - Standard Charge
	<b>Total Support</b>	<b>\$8,150</b>	<b>\$8,150</b>	<b>\$0</b>	
<b>Projects</b>					
3954 082	Health and Safety improvements	\$0	\$3,134	\$3,134	
3954 084	Renewal of consents	\$0	\$892	\$892	
	<b>Total Projects</b>	<b>\$0</b>	<b>\$4,026</b>	<b>\$4,026</b>	
<b>Capital Projects</b>					
3954 900 07	Railway Road - tipout point	\$0	\$2,500	\$2,500	
3954 900 07	H&S Upgrades	\$0	\$8,334	\$8,334	
	<b>Total Capital Projects</b>	<b>\$0</b>	<b>\$10,834</b>	<b>\$10,834</b>	
<b>Renewals</b>					
3954 905 100	Renewals - Linear (Pipe Valve)	\$0	\$20,000	\$20,000	
3954 905 110	0	\$0	\$0	\$0	
	<b>Total Renewals</b>	<b>\$0</b>	<b>\$20,000</b>	<b>\$20,000</b>	

**Paparua Water Race  
Operational Position Summary**

Revenue	YTD Actual \$	YTD Budget \$	Variance \$	2016/2017 Actual
Targeted Rate	83,402	85,366	(1,964)	414,530
Public Good Rate	9,863	9,846	17	48,985
Urban Public Good	23,598	23,476	122	109,871
CCC Share-Public Good	35,848	35,848	0	71,696
Irrigation Right Application	0	0	0	0
General Receipts	0	0	0	780
Dawsons Rd Water Race Upgrade	0	0	0	0
Irrigation Charges	0	0	0	167,107
Irrigation Rebate	0	0	0	(48,961)
<b>Total Revenue</b>	<b>152,711</b>	<b>154,536</b>	<b>(1,825)</b>	<b>764,008</b>
<b>Expenditure</b>				
Total Operational Expenditure	131,910	143,773	11,863	823,112
Total Support	8,150	8,150	0	46,118
Total Operational Projects	0	4,026	4,026	2,998
Total Renewal Expenditure	0	20,000	20,000	
<b>Total Expenditure</b>	<b>140,060</b>	<b>175,949</b>	<b>35,889</b>	<b>872,228</b>
<b>Operating Surplus/(Deficit)</b>	<b>\$12,651</b>	<b>\$(21,413)</b>	<b>\$34,064</b>	<b>(108,220)</b>

**Operating Position Summary**

	Actual \$	YTD Budget \$	Variance \$
<b>Opening Account Balance</b>	<b>(386,067)</b>	<b>(404,869)</b>	<b>18,802</b>
<b>Plus</b> Operating Surplus/(Deficit)	12,651	(21,413)	34,064
<b>Plus</b> Prior year Projects Carried Forward	0	18,800	(18,800)
<b>Less</b> Capital Projects	0	(10,834)	10,834
Net Reserves Transfers	0	20,000	(20,000)
<b>Closing Account Balance</b>	<b>(\$373,416)</b>	<b>(\$398,316)</b>	<b>\$24,900</b>

**Special Funds Account - Renewals**

	YTD Actual \$	YTD Budget \$	Variance
<b>Opening Account Balance</b>	<b>302,402</b>	<b>302,402</b>	<b>0</b>
<b>Plus</b> Transfers in			0
<b>Plus</b> Interest	0	0	0
<b>Less</b> Funding of Renewals	0	(20,000)	20,000
<b>Closing Account Balance</b>	<b>\$302,402</b>	<b>\$282,402</b>	<b>\$20,000</b>

Financial Month is set to 08/17 and Budget AB01 is in use.

MALVERN AREA WATER RACE

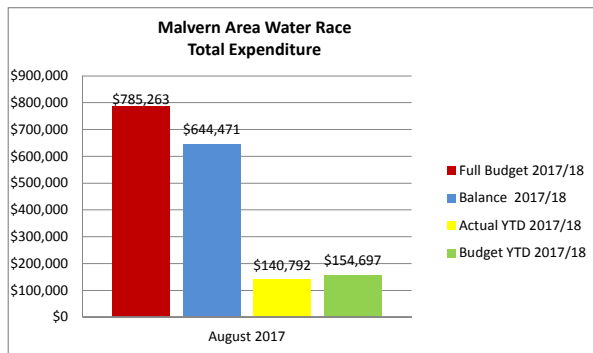
August 2017



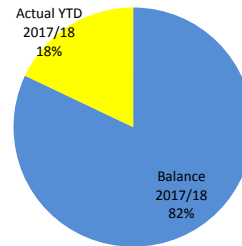
Statement of Operations

Account	Detail	Month Actual	Month Budget	Month Variance	YTD Actual 2016/17	Ytd Budget 2016/17	Ytd Variance	Committed Expenditure	FYR Budget 2016/17	Last Year 2015/16
<b>Opening Balance</b>										
3951 980 01	Malvern W/Rc Oper Open Blnce.	-	-	-	(\$1,050,292)	(\$1,889,794)	\$839,502	-	(\$1,889,794)	(\$182,417)
3951 980 02	Opening Balance	-	-	-	(\$2,500)	-	(\$2,500)	-	-	(\$2,500)
3951 980 04	Opening Balance	-	-	-	(\$2,500)	-	(\$2,500)	-	-	(\$2,500)
3951 980 07	Opening Balance	-	-	-	(\$1,666)	-	(\$1,666)	-	-	(\$1,666)
3951 980 08	Opening Balance	-	-	-	(\$1,000)	-	(\$1,000)	-	-	(\$1,000)
3951 980 09	APPROPRIATION ACCOUNT	-	-	-	(\$12,328)	-	(\$12,328)	-	-	(\$12,328)
	<b>Total Opening Balance</b>	-	-	-	(\$1,070,286)	(\$1,889,794)	\$819,508	-	(\$1,889,794)	(\$202,411)
<b>Income</b>										
3951 101	Targeted Rate	\$71,462	\$71,558	(\$96)	\$142,968	\$143,116	(\$148)	-	\$858,700	\$715,067
3951 101 01	Urban Public Good	\$1,956	\$1,978	(\$22)	\$3,913	\$3,956	(\$43)	-	\$23,740	\$19,263
3951 162	General Receipts	-	-	-	-	-	-	-	-	\$14,522
3951 162 02	Malvern irrigation	-	-	-	-	-	-	-	\$43,000	\$43,399
	<b>Total Income</b>	<b>\$73,418</b>	<b>\$73,536</b>	<b>(\$118)</b>	<b>\$146,881</b>	<b>\$147,072</b>	<b>(\$191)</b>	-	<b>\$925,440</b>	<b>\$792,251</b>
<b>Expenditure</b>										
3951 410 01	External Consultants Fee	-	\$312	\$312	-	\$624	\$624	-	\$3,742	\$2,223
3951 450	Electricity	\$74	-	(\$74)	\$140	-	(\$140)	-	-	\$770
3951 540	Rates	-	-	-	-	-	-	-	\$700	\$675
3951 541	Insurance	\$33,235	\$28,721	(\$4,514)	\$33,235	\$28,721	(\$4,514)	-	\$28,721	\$27,281
3951 583 101	Maint - General S	\$47,302	\$47,302	-	\$94,603	\$94,604	\$1	-	\$567,619	\$567,619
3951 583 102	Maint - General R	\$7,808	\$9,915	\$2,107	\$11,890	\$19,830	\$7,940	-	\$118,981	\$116,130
3951 593 282	Maint - Bank Removal R	-	\$4,167	\$4,167	-	\$8,334	\$8,334	-	\$50,000	-
3951 868	ECan/LoS Monitoring	\$450	\$667	\$217	\$450	\$1,334	\$884	\$643	\$8,000	\$3,949
3951 868 01	Scada Costs	\$474	\$125	(\$349)	\$474	\$250	(\$224)	-	\$1,500	\$1,550
3951 871	Urban Enhancement	-	\$500	\$500	-	\$1,000	\$1,000	-	\$6,000	-
	<b>Total Expenditure</b>	<b>\$89,343</b>	<b>\$91,709</b>	<b>\$2,366</b>	<b>\$140,792</b>	<b>\$154,697</b>	<b>\$13,905</b>	<b>\$643</b>	<b>\$785,263</b>	<b>\$720,197</b>
<b>Support</b>										
3951 890 3900	Support Charges-WTR RACE	\$9,222	\$9,222	-	\$18,445	\$18,444	(\$1)	-	\$110,669	\$104,372
	<b>Total Support</b>	<b>\$9,222</b>	<b>\$9,222</b>	-	<b>\$18,445</b>	<b>\$18,444</b>	<b>(\$1)</b>	-	<b>\$110,669</b>	<b>\$104,372</b>
<b>Projects</b>										
3951 073	Condition inspection of water race	-	-	-	-	-	-	-	-	\$5,000
3951 074	Health and Safety improvements	-	\$1,667	\$1,667	-	\$3,334	\$3,334	-	\$20,000	\$1,369
3951 077	Renewal of consents	-	\$446	\$446	-	\$892	\$892	-	\$5,346	-
3951 096	CPW Transition	-	\$417	\$417	\$65	\$834	\$769	-	\$5,000	\$45,123
	<b>Total Projects</b>	-	<b>\$2,530</b>	<b>\$2,530</b>	<b>\$65</b>	<b>\$5,060</b>	<b>\$4,995</b>	-	<b>\$30,346</b>	<b>\$51,492</b>
<b>Transfers - Operations</b>										
3951 970 01	Transfer (to)/from Reserves	-	-	-	-	-	-	-	-	(\$178,767)
3951 970 99	Carry Forward Projects	-	-	-	-	\$819,508	\$819,508	-	\$819,508	-
	<b>Total Transfers - Operations</b>	-	-	-	-	<b>\$819,508</b>	<b>\$819,508</b>	-	<b>\$819,508</b>	<b>(\$178,767)</b>
	<b>Operating Surplus/(Deficit)</b>	<b>(\$25,147)</b>	<b>(\$29,925)</b>	<b>\$4,778</b>	<b>(\$1,082,707)</b>	<b>(\$1,101,415)</b>	<b>\$18,708</b>	<b>(\$643)</b>	<b>(\$1,071,124)</b>	<b>(\$464,988)</b>
<b>Capital Projects</b>										
3951 900 17	Fix leakage morrisons main race	-	-	-	-	-	-	-	-	\$4,140
3951 900 66	Fish Screen-Waimak Intake	\$239,534	\$25,236	(\$214,298)	\$239,534	\$252,835	\$13,301	-	\$302,835	\$66,293
3951 900 67	Fish Screen-Upper Kowai Intake	\$35,435	\$25,880	(\$9,555)	\$35,435	\$51,760	\$16,325	\$1,500	\$310,560	\$466,596
3951 900 72	Glentunnel Intake Upgrade	-	\$15,509	\$15,509	-	\$31,018	\$31,018	-	\$186,113	\$34,266
3951 900 77	SCADA monitoring Sites	-	\$3,333	\$3,333	-	\$6,666	\$6,666	\$2,345	\$40,000	-
3951 900 78	H&S Upgrades	-	\$4,167	\$4,167	-	\$8,334	\$8,334	-	\$50,000	-
3951 900 79	Flow Gauge	-	-	-	-	-	-	-	-	-
	<b>Total Capital Projects</b>	<b>\$274,969</b>	<b>\$74,125</b>	<b>(\$200,844)</b>	<b>\$274,969</b>	<b>\$350,613</b>	<b>\$75,644</b>	<b>\$3,845</b>	<b>\$889,508</b>	<b>\$571,295</b>
<b>Renewals</b>										
3951 905 08	Waimak Ladder Upgrade	-	-	-	-	-	-	-	-	\$4,850
3951 905 100	Renewals - Linear (Pipe Valve)	\$3,738	\$10,000	\$6,262	\$3,738	\$20,000	\$16,262	-	\$120,000	\$29,123
3951 905 110	Renewals - P&E (PS TP Teley)	-	-	-	-	-	-	-	-	-
		\$3,738	\$10,000	\$6,262	\$3,738	\$20,000	\$16,262	-	\$120,000	\$33,973
	<b>Closing balance</b>	<b>(\$303,854)</b>	<b>(\$114,050)</b>	<b>(\$189,804)</b>	<b>(\$1,361,414)</b>	<b>(\$1,472,028)</b>	<b>\$110,614</b>	<b>(\$4,488)</b>	<b>(\$2,080,632)</b>	<b>(\$1,070,256)</b>
<b>Special Funds</b>										
3951 982 50	Renewal Reserve	-	-	-	\$378,081	\$378,081	-	-	\$378,081	-
	<b>Total Special Funds</b>	-	-	-	<b>\$378,081</b>	<b>\$378,081</b>	-	-	<b>\$378,081</b>	-

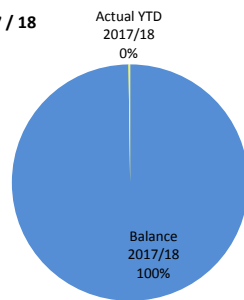
	Full Budget 2017/18	Balance 2017/18	Actual YTD 2017/18	Budget YTD 2017/18	% spent
Total Expenditure	\$785,263	\$644,471	\$140,792	\$154,697	18%
Total Projects	\$30,346	\$30,281	\$65	\$5,060	0%
Capital Projects	\$889,508	\$614,539	\$274,969	\$350,613	31%



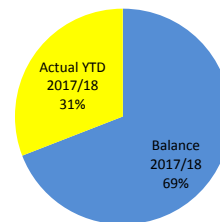
**Total Expenditure 2017 / 18**



**Projects 2017 / 18**



**Capital Projects 2017 / 18**



MALVERN AREA WATER RACE - FINANCIAL COMMENTARY FOR THE YEAR ENDED AUGUST 2017					
Account	Expenditure	Actual	Budget	Variance	Details
3951 410 01	External Consultants Fee	\$0	\$624	\$624	
3951 450	Electricity	\$140	\$0	(\$140)	July - Meridian - 66.40, Aug - 73.95
3951 540	Rates	\$0	\$0	\$0	
3951 541	Insurance	\$33,235	\$28,721	(\$4,514)	Aug - Premium 2017-18
3951 583 101	Maint - General S	\$94,603	\$94,604	\$1	July- Sicon Ltd - C1241 Claim Water Service O&M
3951 583 102	Maint - General R	\$11,890	\$19,830	\$7,940	July - Sicon Ltd - 4081.77, Aug - Sicon Ltd - 7807.77
3951 593 282	Maint - Bank Removal R	\$0	\$8,334	\$8,334	
3951 868	ECan/LoS Monitoring	\$450	\$1,334	\$884	Aug - Ecan consent monitoring - 450.00
3951 868 01	Scada Costs	\$474	\$250	(\$224)	Aug - Spark - 30.00, Qtech - 133.12, Boraman - 311.04
3951 871	Urban Enhancement	\$0	\$1,000	\$1,000	
	<b>Total Expenditure</b>	<b>\$140,792</b>	<b>\$154,697</b>	<b>\$13,905</b>	
3951 890 3900	Support Charges-WTR RACE	\$18,445	\$18,444	(\$1)	July - Selwyn District Council - Standard Charge
	<b>Total Support Charges</b>	<b>\$18,445</b>	<b>\$18,444</b>	<b>(\$1)</b>	
3951 073	Condition inspection of water race	\$0	\$0	\$0	
3951 074	Health and Safety improvements	\$0	\$3,334	\$3,334	
3951 077	Renewal of consents	\$0	\$892	\$892	
3951 096	CPW Transition	\$65	\$834	\$769	July - Buddle Findlay - 64.66
	<b>Total Projects</b>	<b>\$65</b>	<b>\$5,060</b>	<b>\$4,995</b>	
3951 900 17	Fix leakage morrisons main race	\$0	\$0	\$0	
3951 900 66	Fish Screen-Waimak Intake	\$239,534	\$252,835	\$13,301	Aug - Isaacs - 236949.29, Orion - 2585.00
3951 900 67	Fish Screen-Upper Kowai Intake	\$35,435	\$51,760	\$16,325	Aug - Redpaths - 84.44, Isaacs - 35350.78
3951 900 72	Glentunnel Intake Upgrade	\$0	\$31,018	\$31,018	
3951 900 77	SCADA monitoring Sites	\$0	\$6,666	\$6,666	
3951 900 78	H&S Upgrades	\$0	\$8,334	\$8,334	
3951 900 79	Flow Gauge	\$0	\$0	\$0	
	<b>Total Capital Projects</b>	<b>\$274,969</b>	<b>\$350,613</b>	<b>\$75,644</b>	
3951 905 08	Waimak Ladder Upgrade	\$0	\$0	\$0	
3951 905 100	Renewals - Linear (Pipe Valve)	\$3,738	\$20,000	\$16,262	Aug - Sicon - 3737.50
3951 905 110	Renewals - P&E (PS TP Teley)	\$0	\$0	\$0	
	<b>Total Renewals</b>	<b>\$3,738</b>	<b>\$20,000</b>	<b>\$16,262</b>	

**Malvern Area Water Race  
Operational Position Summary**

Revenue	2017 / 2018 YTD Actual	2017 / 2018 YTD Budget	Variance \$	2016/17 Actual
Targeted Rate	142,968	143,116	(148)	715,067
Urban Public Good	3,913	3,956	(43)	19,263
General Receipts	0	0	0	14,522
Malvern irrigation	0	0	0	43,399
<b>Total Revenue</b>	<b>146,881</b>	<b>147,072</b>	<b>(191)</b>	<b>792,251</b>
<b>Expenditure</b>				
Total Operational Expenditure	140,792	154,697	13,905	720,197
Total Support	18,445	18,444	(1)	104,372
Total Operational Projects	65	5,060	4,995	51,492
Total Renewals	3,738	20,000	16,262	33,973
<b>Total Expenditure</b>	<b>163,040</b>	<b>198,201</b>	<b>35,161</b>	<b>910,034</b>
<b>Operating Surplus/(Deficit)</b>	<b>\$(16,159)</b>	<b>\$(51,129)</b>	<b>\$34,970</b>	<b>(117,783)</b>

**Operating Position Summary**

	2017 / 2018 YTD Actual	2017 / 2018 YTD Budget	Variance \$
<b>Opening Account Balance</b>	<b>(1,070,286)</b>	<b>(1,889,794)</b>	<b>819,508</b>
<b>Plus</b> Operating Surplus/(Deficit)	(16,159)	(51,129)	34,970
<b>Plus</b> Prior year Projects Carried Forward	0	819,508	(819,508)
<b>Less</b> Capital Projects	(274,969)	(350,613)	75,644
Net Reserves Transfers	3,738	20,000	(16,262)
<b>Closing Account Balance</b>	<b>(\$1,357,676)</b>	<b>(\$1,452,028)</b>	<b>94,352</b>

**Special Funds Account - Renewals**

	2017 / 2018 YTD Actual	2017 / 2018 YTD Budget	Variance \$
<b>Opening Account Balance</b>	<b>378,081</b>	<b>378,081</b>	<b>0</b>
<b>Plus</b> Transfers in	0	0	0
<b>Plus</b> Interest			0
<b>Less</b> Funding of Renewals	(3,738)	(20,000)	16,262
<b>Closing Account Balance</b>	<b>\$374,343</b>	<b>\$358,081</b>	<b>16,262</b>

**TO:** Asset Manager, Water Services  
**FOR:** Water Race Sub Committee Meeting – 9 October 2017.  
**FROM:** Daniel Meehan – Surface Water Operations Engineer  
**DATE:** 25 September 2017  
**SUBJECT:** Items Of Unplanned Expenditure Over \$5,000

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**1. RECOMMENDATION**

- 1.1** That the Water Race Subcommittee receives this report. "Items Of Unplanned Expenditure Over \$5,000" for information

**2. PURPOSE**

- 2.1** Provide the Water Race Subcommittee with information detailing the water race schemes and individual unplanned expenditure items over \$5,000 in August and September 2017.

**3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT**

- 3.1** This report covers the period August and September 17

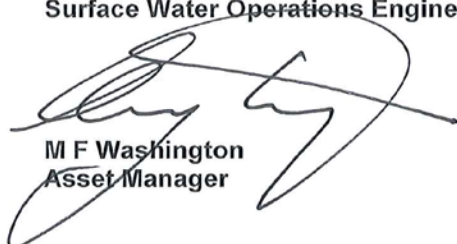
Activity occurring over \$5000		
Scheme	Amount	Activity
Ellesmere	\$13,200.00	Tree removal – Synlait Farm

- 3.2** Items of expenditure over \$5,000 committed in the next period. October and November 2017

Activity planned over \$5000		
Scheme	Amount	Activity
Malvern	\$86,842	Priority 1 Safety Improvements (10 locations approved)
Malvern	\$25,000.00	Bank Repairs to Glentunnel Intake
	-	

**ENDORSED FOR AGENDA**

  
**Daniel Meehan**  
Surface Water Operations Engineer

  
**M F Washington**  
Asset Manager

## REPORT

**TO:** Chief Executive

**FOR:** Water Race Sub Committee Meeting – 9 October 2017

**FROM:** Surface Waters Operations Engineer  
Asset Manager Water Services

**DATE:** 25 September 2017

**SUBJECT:** **Proposed Water Race Closures To Proceed to Public Consultation**

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### 1. RECOMMENDATION

#### **That the Sub-Committee:**

- a) Agree to proceed to public consultation for the proposed closure of 6 lengths of water race totalling approximately 10.9km in the Malvern water race scheme and 6.6km in the Ellesmere water race scheme.*
- b) Advise the Council that the proposed closures are considered to be of low significance not impacting the intended level of service provision for the water races.*
- c) Consider any submissions to the proposed closures raised during public consultation, and provide an opportunity to those persons wishing to be heard.*
- d) Recommend race closures to Council following the consultative process.*

### 2. PURPOSE

Staff seek approval from the Sub-Committee to proceed to public consultation for the following proposed closures:

#### **Ellesmere**

- 1. Closure of 3.6km of race through 3 property/owners on Tramway Road
- 2. Closure of 3km of race through 2 property/owners on Leeston Dunsandal Road

#### **Malvern**

- 1. Closure of 4.8km of race through 6 property/owners on Horndon Street / Creyke Road
- 2. Closure of 0.3km of race through 1 property/owners on Pitts Rd
- 3. Closure of 3.7km of race through 7 property/owners on Bluff Rd
- 4. Closure of 2.1km of Race through 4 property/owners on Boultons Rd



Council has received additional proposed closures where not all property owners have agreed to the closure of the proposed races. These closures are not proposed to progress.

### **3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT**

Explicit provision has been made in the 2015/25 LTP for water race closures<sup>1</sup> initiated by rate payers. The LTP has identified the following as major projects:

- Proactively progress the closure of the Haldon water race intake (within the Ellesmere Water Race Scheme) including the down gradient race network which is supplied by this intake. Targeted Stream Augmentation will possibly be taken into account with some lengths of races remaining open to convey this flow.
- Progress ratepayer initiated water race closures once approved by the Water Race Committee for closure.
- Work with Central Plains Water to develop a concept for converting the Kowai River sourced water race network (part of the Malvern Water Race Scheme) into a combined water race and irrigation network. This concept will then be used for further consultation with the community.
- Work with Environment Canterbury and key stakeholders to realise opportunities to use consented stock water for environmental enhancement including targeted stream augmentation.
- To investigate options for integration of the stock water races with Central Plains Water.

Council's Significance and Engagement Policy, reflecting section 5 of the Local Government Act, states 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 3.1 below.

The 2015/25 LTP identifies Water Races 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 well being of the community.

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

<sup>1</sup> LGA S 97 (2) a

community engagement. An assessment of significance has been included below for the Committee's discussion and recommendation.

### 3.1 Decision Making Considerations

The proposed water race closures included in this report in table 4.1 have been considered against the criteria for assessing significance from the Significance and Engagement Policy contained in the LTP 2015/25 (see page 213-214 of the LTP):

#### Policy and Outcomes

- The following community outcomes are considered relevant to proposed water race closures:

**Table 3.1 – Community Outcomes**

Community Outcome	Level of Support
A living environment where the rural theme 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.

- Closing water races that are no longer required by the community, provides benefit to the rural communities of the District and reflects the changing needs of these communities.
- 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.

#### Communities

- Water race closures are generally driven by the Community.
- The number of property owners affected by each closure is detailed in table 4.1. Consultation to the wider community will occur along with notification of key stakeholders include Department of Conservation, Fish and Game, Environment Canterbury, Historic Places Trust and Ngāi Tahu.
- Affected persons are directly consulted on all water race closures. These include rated and non-rated properties that have a water race on or adjacent to their property. Where a closure has attracted 100% support from directly affected property owner, the closure is considered to be of low significance.
- Following approval by the Water Race Sub Committee, public advertisement of the proposed closures will occur.
- Council are considering the ecological impact of race closures by facilitating salvage of aquatic life where appropriate.

- It is not expected that proposed water race closures will generate wider national or international interest.

### **Ngāi Tahu**

- The impacts on water race closures have been assessed against the Iwi Management Plan and Te Runanga O Ngāi Tahu's Freshwater Policy. These assessments are included in section 7.3 of this report.

### **Context and Implications**

- An assessment of the options considered as alternatives to water race closure is included in section 6 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 they are often on private land and exist extensively in other parts of the District.
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 a race on or adjacent to their property regardless of whether they are rated for stockwater) are consulted and approval is required for closure to be progressed. Further public submissions are invited from the wider community.
3. Economic interests – the proposed race closures will have no identifiable economic impact on the wider Selwyn District. Council will monitor the cumulative impact on rate revenue reduction. Rate reduction is discussed further in section 12.
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 as discussed further in section 7.

- 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 closures are considered as irreversible where they cross private property. Council do not hold easements for most water races and are unlikely to have the power to enforce reinstatement of water race channels on private property. However, stock water supply can generally be provided from other sources.
- By undertaking public consultation on the proposed water race closures, Council will establish whether the proposed closures are considered controversial.

- All water race closures will be progressed following appropriate consultation in a timely manner
- Closures that have attracted 100% support do not present uncertainty or lack of clarity for Council. Council initiated closures being progressed to consultation with 70% support or greater attract some degree of uncertainty. Greater certainty will be obtained during the consultation period.

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

**Malvern**

- Reduction in length of water races 0.001%
- Loss of targeted rates income 0.85%

**Ellesemere**

- Reduction in length of water races 0.001%
- Loss of targeted rates income 0.03%

Based on the above assessment, staff recommend that the proposed closures are considered of **low significance**. The level of significance impacts the degree of consultation undertaken on the engagement spectrum. Council takes a conservative approach to consultation.

## 4. HISTORY/BACKGROUND

### 4.1 Proposed Closures Recommended for Progression

Council has received requests for closure of the following races.

**Table 4.1 – Proposed Water Race Closures Recommended for Approval to Progress to Public Consultation**

Map Ref	Scheme	Received from	Road Name	Number of affected Props/owners	Approx KM Race	Progress
1	Ellesmere	Hamish Maginness	Heslerton Road / Tramway Road	3	3.6km	100% support from properties
2	Ellesmere	Tom Groundwater	Leeston Dunsandal Road	2	3km	100% Support from properties, This race adjacent to race with high ecological values. Likely to have high values.
3	Malvern	Peter Schnell	Horndon St Darfield	6	4.8km	100% Support from properties
4	Malvern	Lindsay Hewitt	Pitts Road	1	0.3km	100% Support Received, 1 property affected, Race causes operators issues with flooding, closing will help operations with this
5	Malvern	Stuart Blakely	Kivers Rd	7	3.7km	Awaiting confirmation from 1 landowner to get 100% support, options of closing upstream further if other landowners agree.
6	Malvern	Ian Syme	Boultons Rd	4	2.1km	100% Agreed for closure downstream of applicant, 1 more signature required to close from Tramway Rd Off take
			TOTAL	23	17.5km	

Appended to this report are maps showing the location of the above sections of race proposed for closure.

## 5. PROPOSAL

Staff seek approval to proceed to public consultation for the following proposed closures once all signed agreement forms have been received:

### Ellesmere

1. Closure of 3.6km of race through 3 property/owners on Tramway Road
2. Closure of 3km of race through 2 property/owners on Leeston Dunsandal Road

### Malvern

3. Closure of 4.8km of race through 6 property/owners on Horndon Street / Creyke Road
4. Closure of 0.3km of race through 1 property/owners on Pitts Rd
5. Closure of 3.7km of race through 7 property/owners on Bluff Rd
6. Closure of 2.1km of Race through 4 property/owners on Boultons Rd

## 6. OPTIONS

Where a request for water race closure is received, there are a number of potential options available to Council.

**Table 6.0 – Alternative Options Considered**

Option	Details	Advantage	Disadvantage
<b>1. Water race closure</b>	Race closure with the agreement of all affected land owners (rate payers on the race or directly adjacent to the race), subject to public consultation and reasoned consideration and response to issues raised during consultation.	Objective is achieved and wishes of rate payers considered.	Loss of rating income. Ecological values of races not maintained.
<b>2. Piping of water race</b>	Piping can be considered if downstream property owners wish to maintain supply. Piping to be funded by each landowner. Piping a water race will not maintain the ecological value of an open water race channel.	Supply to downstream property owners maintained.	Landowners responsible for maintenance of pipes with potential upstream impacts if not maintained. Higher cost to land owners. Ecological values of races not maintained.

<b>Option</b>	<b>Details</b>	<b>Advantage</b>	<b>Disadvantage</b>
<b>3. Race relocation</b>	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 land owners. Potential impacts on adjacent land owners. Cost to land owners.
<b>4. Race retained</b>	Do nothing races retained.	Rating income retained.	Needs of rate payers requesting closure not met.
<b>5. Onsite alternatives</b>	On site alternatives e.g. a well, could be considered if land owners wish to retain a stockwater service.	Stockwater supply retained.	High cost to property owners for installation and on going maintenance. Ecological and other race values not retained.

These options 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 short lengths of race (excluding whole or major part of scheme closures) if 100% support from affected land owners is obtained.

## **7. VIEWS OF THOSE AFFECTED/CONSULTATION**

### **7.1 Views of those affected**

The Local Government Act section 82 requires consultation with persons affected by or have an interest in a decision. They must also be provided with a reasonable opportunity to present their views to the Local Authority.

The level of significance of a proposed water race closure will inform the level of consultation undertaken. The LTP outlines an engagement spectrum which ranges from informing the community to empowering the community.

Significant closures are required to be provided for the LTP. Rate payer initiated closures have been provided for the 2015/25 LTP.

For an individual race closure to be progressed, the Council's water race closure process requires that the initiator of the water race closure obtain agreement from all affected property owners and provide Council with a 'Agreement to Close Water Race' form signed by all affected property owners.

Where a proposed closure has 100% support from affected land owners, the closure is generally considered to be of low significance therefore the inform/consult end of the engagement spectrum is considered appropriate. An affected property owner has been deemed to be those with a race on or adjacent to the property, regardless of whether the property is rated.

Once unanimous support is obtained from land owners, the closure request can proceed to public notification and the water closure request is publicly notified. If interested parties wish to present their views there will be an opportunity at the Water Race Committee meeting every quarter. Should submissions to an advertised closure be received, the hearing panel will consider the objection and its relevance to stockwater supply and pass recommendation to the Water Race Sub-Committee to consider as part of their decision making.

Where a proposed water race closure has attracted 100% support and no submissions are received, the Sub-Committee will progress the closure once approved by Council. For Council initiated closures or strategic closures, Council's process requires 70% support to be gained for proposed closures to progress to public consultation.

## **7.2 Interested Parties Consultation**

To allow any parties with an interest in water race closures to input into the process as required by S 82 (1 (a)) of the LGA, all race closures will be publically advertised for a minimum of 2 weeks in Council Call and on the Council website. Maps of proposed water race closures will be available to view at Council or on the website. A summary of the proposed water race closures is made available on the Council website.

A letter will be sent to all directly affected property owners to notify them that the proposed closure has been approved to progress to public consultation.

Specific stakeholders identified as Department of Conservation, Fish and Game, Kiwirail, NZFS, Historic Places Trust (specifically where structures e.g. headworks are involved) and Te Taumutu Rūnanga will be directly provided with a copy of the above advertisement.

Should any parties wish to present their views on the advertised closures, an opportunity will be provided at the Water Race Sub Committee meeting prior to approval being considered by the Committee.

Council has delegated powers to hear submissions to the Water Race Sub Committee and make recommendation on the significance of water race closures and agree closures not deemed significant.

Minutes from the Water Race Subcommittee meetings are available for public viewing on Council's website.

A public hearing will only occur if persons wish to be heard. Any objections to race closures on grounds other than stockwater supply will be considered during public hearing (if applicable) and the hearing decision confirmed by the Water Race subcommittee. Consideration will need to be given to whether objectors are stockwater rate payers and directly or indirectly affected. Should a race be retained for reasons other than stockwater supply a different rating mechanism may be required.

Once approved by the sub committee a public advert for the above listed closures will be placed.



Letters will also be sent to the following key stakeholders informing them of the proposed closures and providing a copy of the above advert.

- MKT & Te Taumutu Rūnanga
- Department of Conservation
- Fish and Game
- NZ Fire Service

### **7.3 Māori implications**

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.

*Mahaanui*, The Iwi Management Plan (IMP) 2013, recognises the importance of the water race network and states that they should be managed as waterways. In support of these principals Council require that heavy stock (deer and cattle) is fenced from entering the water races and provides advice to landowners on how to provide stock access to drink without entering the channel.

In support of the principles outlined in the (IMP) Council are currently running a trial for installation of a fish screen at the Upper Kowai intake. Following successful completion of the trial, fish screens will be installed at all active intakes.

At the time of advertising closures, details of the proposed closure will be provided to Ngāi Tahu via MKT. It should be noted that in general water races requested for closure are often tail end races (lateral races) where excess water is disposed of to ground. Where a water race feeds another water course further consideration will be given to impacts on that waterway.

### **7.4 Ecological Considerations**

The Canterbury Water, Selwyn Wahiora 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.

EOS Ecology undertook an assessment of sites of high ecological value within the Ellesmere and Malvern Water Race schemes in 2011. A copy of the findings of the assessment is included in Appendix B.

In a memo to Council dated 6 July 15, 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. To date this has been the cost of installing a soakhole at approximately \$3,000.

## **8. RELEVANT POLICY/PLANS**

The closures included in this report are consistent with Council Policy W107 Closure of Water Races.

As stated in section 3 Water Race Closures are being done in line with Council's Significance Policy.

## **9. COMMUNITY OUTCOMES**

The role of water races in maintaining a living environment where the rural theme of the District is maintained, has been recognised in the LTP. Providing an effective water race service and delivering levels of service is a key part of delivering community outcomes. Where a race cannot be supplied due to consent limits at the intakes or operational issues and leakage, maintaining channels that are not used or that have intermittent flow is counter to achieving this objective.

## **10. NEGATIVE IMPACTS**

Negative impacts or effects will be considered as part of the race closure approvals process and closures will only proceed if negative effects are mitigated or minimised and affected land owners agree.

## **11. LEGAL IMPLICATIONS**

None.

## **12. FUNDING IMPLICATIONS**

### **12.1 Rating Impact**

The proposed race closures detailed in this report are expected to have the following impact on rating income:

**Table 12.1 – Funding Implications of Proposed Race Closures**

Ref	Scheme	Received from	Road Name	Loss of Targeted Rating Income	Percentage of Total Rating Income
1	Ellesmere	Hamish Maginness	Heslerton Road / Tramway Road	\$0.00 (All properties still fed by another race)	
2	Ellesmere	Tom Groundwater	Leeston Dunsandal Road	\$125.75 (1 Property still has another race)	0.03%
3	Malvern	Peter Schnell	Horndon St Darfield	\$5250.85	0.61%
4	Malvern	Lindsay Hewitt	Pitts Road	\$0.00 (Property still has race access)	
5	Malvern	Stuart Blakely	Kivers Rd	\$2025.50	0.24%
6	Malvern	Ian Syme	Boultons Rd	\$0.00 (All properties still have other race supplies)	
<b>TOTAL</b>				<b>\$7402.10</b>	<b>0.88%</b>

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

### 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.

### 12.2 Closure Costs

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

**13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?**

A copy of this report has been provided to the Corporate Services Manager as income accounts will be affected.



**DANIEL MEEHAN**  
**SURFACE WATERS OPERATIONS ENGINEER**



**MURRAY ENGLAND**  
**ASSET MANAGER, WATER SERVICES**

**ENDORSED FOR AGENDA**



**MURRAY WASHINGTON, ASSET MANAGER**

**APENDECIES**

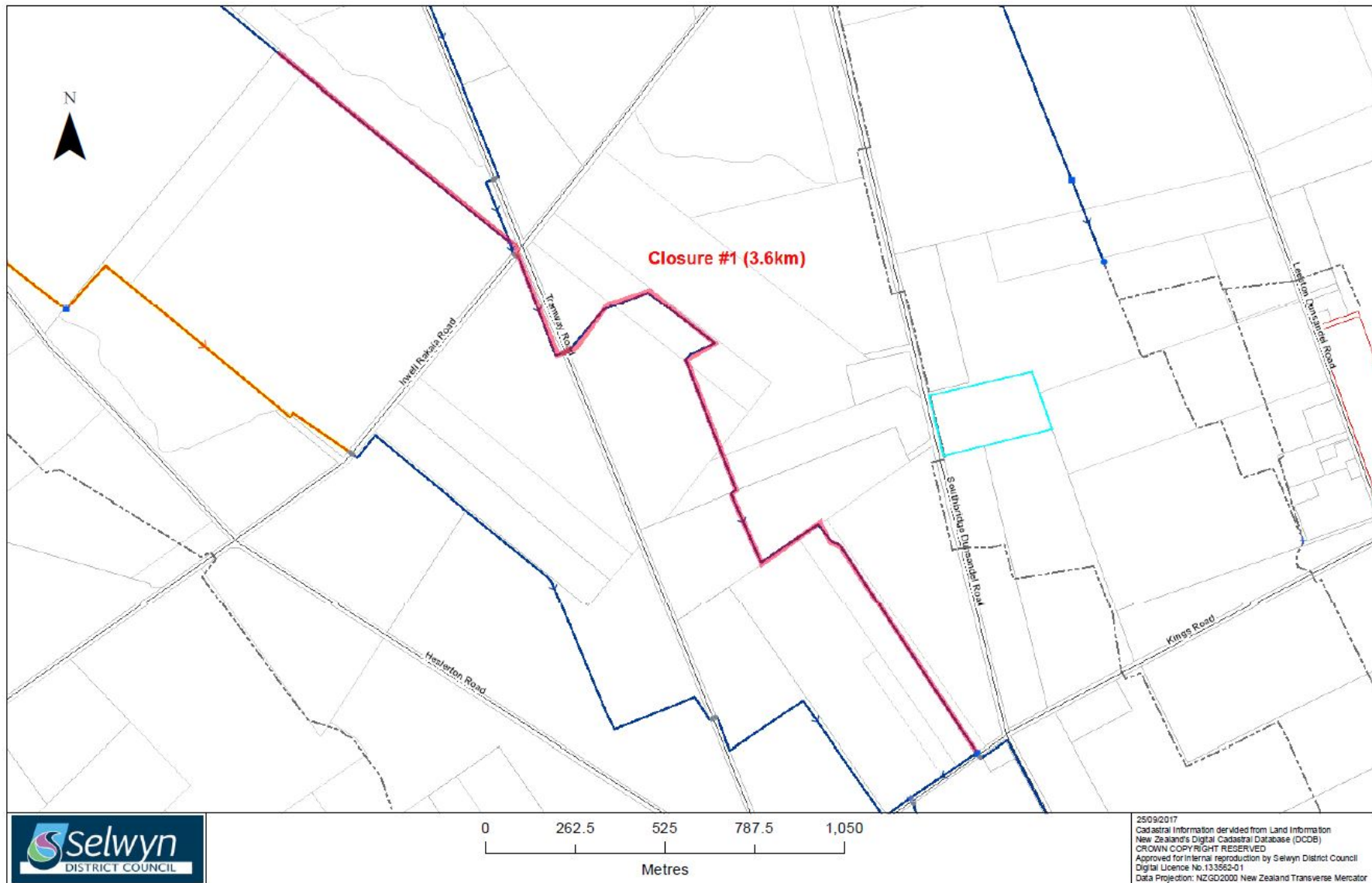
**APPENDIX A – PROPOSE WATER RACE CLOSURE MAPS**

**APPENDIX B – EOS ECOLOGY, SITES OF HIGH ECOLOGICAL VALUE – 2011.**

**APPENDIX A – PROPOSED WATER RACE CLOSURE MAPS**

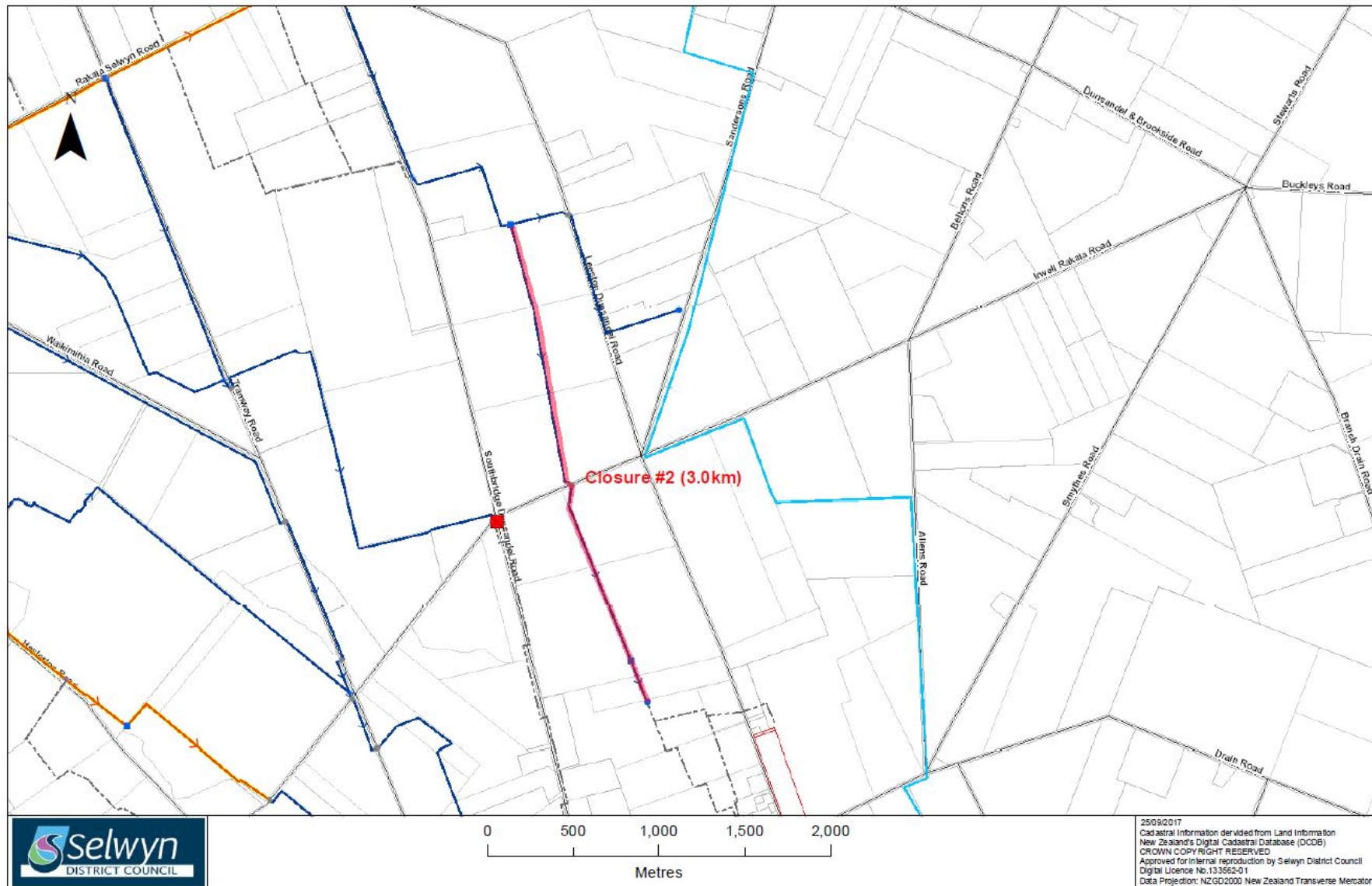
## PROPOSED CLOSURE 1 – TRAMWAY RD

Closure #1



## PROPOSED CLOSURE 2 – LEESTON DUNSANDAL ROAD

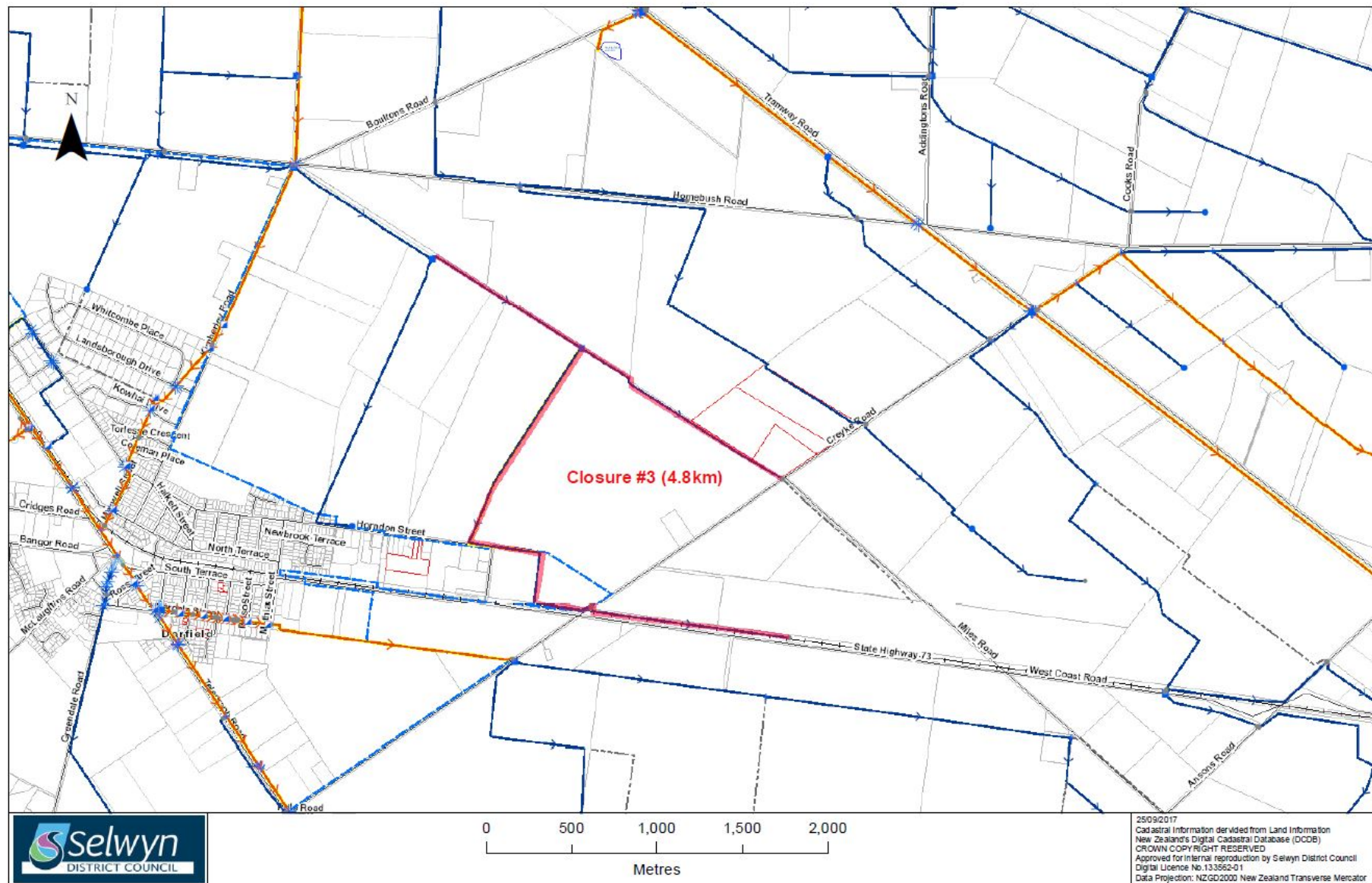
### Closure #2





## PROPOSED CLOSURE 3 – HORNDON STREET

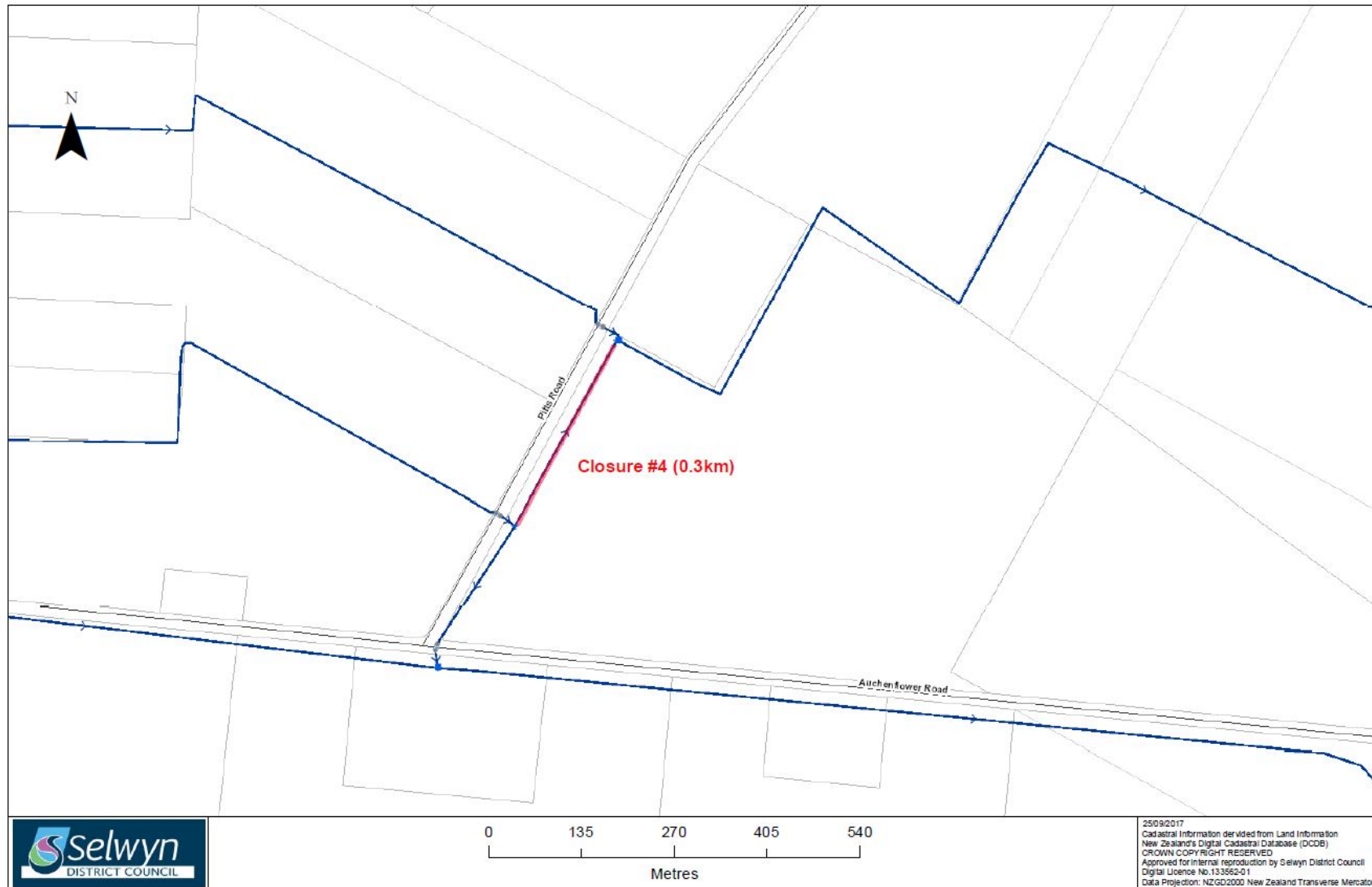
Closure #3





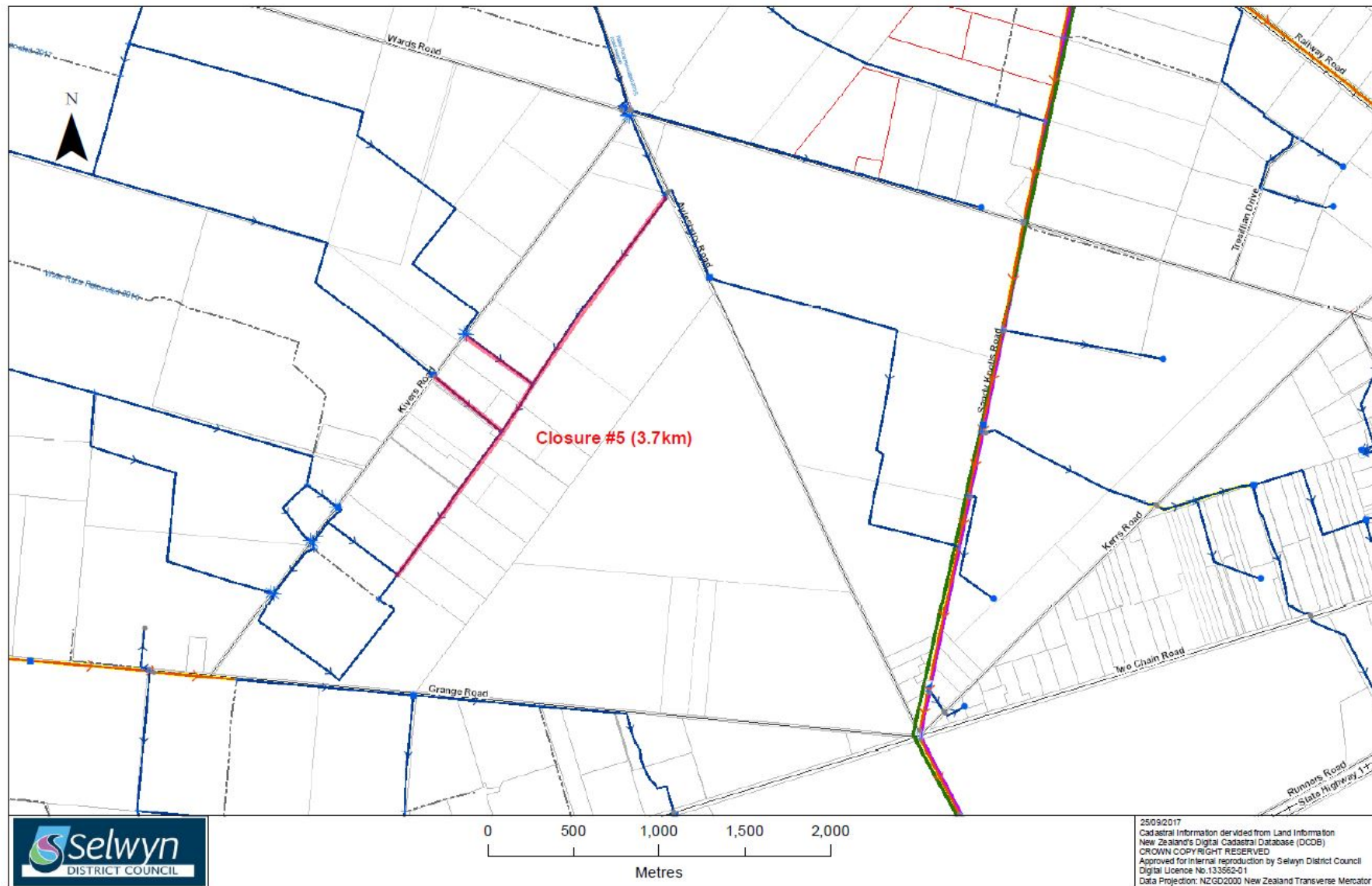
## PROPOSED CLOSURE 4 – PITTS ROAD

Closure #4



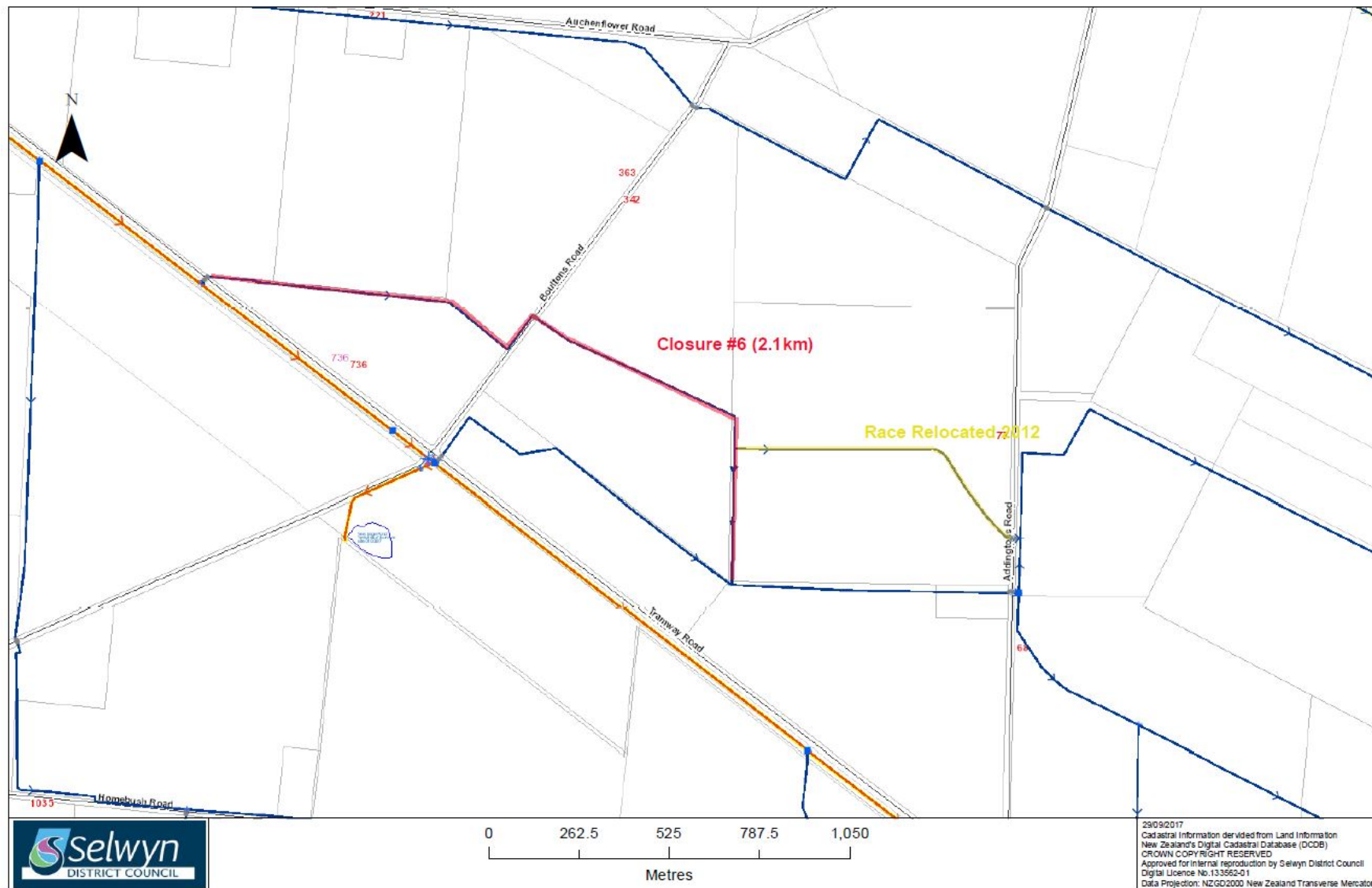
## PROPOSED CLOSURE 5 – KIVERS ROAD

Closure #5



## PROPOSED CLOSURE 6 – BOULTONS ROAD

Closure 6





## APPENDIX B – EOS ECOLOGY, SITES OF HIGH ECOLOGICAL VALUE – 2011.





## APPENDIX B – EOS ECOLOGY, SITES OF HIGH ECOLOGICAL VALUE – 2011.



## REPORT

**TO:** Chief Executive

**FOR:** Water Race Sub Committee Meeting – 9 October 2017

**FROM:** Surface Water Operations Engineer

**CC:** Corporate Services Manager

**DATE:** 25 September 2017

**SUBJECT:** **Proposed Water Race Closures Approval – Post Public Consultation**

---

### 1. RECOMMENDATION

#### **That the Sub-Committee:**

- a) *Consider any submissions received regarding the proposed closures.*
- b) *Provide recommendations to Council on the closure of 5 lengths of water race totalling approximately 7.4km in the Malvern water race schemes.*

### 2. PURPOSE

Staff seek a recommendation from the Committee for the following proposed closures that were approved for public consultation at the sub-committee meeting in June 2017:

#### **Malvern**

1. Closure of 1km of race through 2 property/owners on Kowai River Road (1.6km retrospective)
2. Closure (retrospective) of 2.7km of race through 2 property/owners on Odgers River Road
3. Closure of 1.7km of race through 1 property/owners on Frasers Road to Barrs Road
4. Closure of 0.5km of race through 1 property/owners on Wrights Rd
5. Closure of 1.5km of race through 2 property/owners on Bluff Rd

### 3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

Explicit provision has been made in the 2015/25 LTP for water race closures<sup>1</sup> initiated by rate payers. The LTP has identified the following as major projects:

- Proactively progress the closure of the Haldon water race intake (within the Ellesmere Water Race Scheme) including the down gradient race network which is supplied by

<sup>1</sup> LGA S 97 (2) a

this intake. Targeted Stream Augmentation will possibly be taken into account with some lengths of races remaining open to convey this flow.

- Progress ratepayer initiated water race closures once approved by the Water Race Committee for closure.
- Work with Central Plains Water to develop a concept for converting the Kowai River sourced water race network (part of the Malvern Water Race Scheme) into a combined water race and irrigation network. This concept will then be used for further consultation with the community.
- Work with Environment Canterbury and key stakeholders to realise opportunities to use consented stock water for environmental enhancement including targeted stream augmentation.
- To investigate options for integration of the stock water races with Central Plains Water.

Council's Significance and Engagement Policy, reflecting section 5 of the Local Government Act, states 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 3.1 below.

The 2015/25 LTP identifies Water Races 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 well being of the community.

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 Committee's discussion and recommendation.

### **3.1 Decision Making Considerations**

The proposed water race closures included in this report in table 4.1 have been considered against the criteria for assessing significance from the Significance and Engagement Policy contained in the LTP 2015/25 (see page 213-214 of the LTP):

#### **Policy and Outcomes**

- The following community outcomes are considered relevant to proposed water race closures:

**Table 3.1 – Community Outcomes**

<b>Community Outcome</b>	<b>Level of Support</b>
A living environment where the rural theme 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.

- Closing water races that are no longer required by the community, provides benefit to the rural communities of the District and reflects the changing needs of these communities.
- 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.

### **Communities**

- Water race closures are generally driven by the Community.
- The number of property owners affected by each closure is detailed in table 4.1. Consultation to the wider community will occur along with notification of key stakeholders include Department of Conservation, Fish and Game, Environment Canterbury, Historic Places Trust and Ngāi Tahu.
- Affected persons are directly consulted on all water race closures. These include rated and non-rated properties that have a water race on or adjacent to their property. Where a closure has attracted 100% support from directly affected property owner, the closure is considered to be of low significance.
- Following approval by the Water Race Sub Committee, public advertisement of the proposed closures will occur.
- Council are considering the ecological impact of race closures by facilitating salvage of aquatic life where appropriate.
- It is not expected that proposed water race closures will generate wider national or international interest.

### **Ngāi Tahu**

- The impacts on water race closures have been assessed against the Iwi Management Plan and Te Runanga O Ngāi Tahu's Freshwater Policy. These assessments are included in section 7.3 of this report.

### **Context and Implications**

- An assessment of the options considered as alternatives to water race closure is included in section 6 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 they are often on private land and exist extensively in other parts of the District.
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 a race on or adjacent to their property regardless of whether they are rated for stockwater) are consulted and approval is required for closure to be progressed. Further public submissions are invited from the wider community.
3. Economic interests – the proposed race closures will have no identifiable economic impact on the wider Selwyn District. Council will monitor the cumulative impact on rate revenue reduction. Rate reduction is discussed further in section 12.
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 as discussed further in section 7.
  - 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 closures are considered as irreversible where they cross private property. Council do not hold easements for most water races and are unlikely to have the power to enforce reinstatement of water race channels on private property. However, stock water supply can generally be provided from other sources.
  - By undertaking public consultation on the proposed water race closures, Council will establish whether the proposed closures are considered controversial.
  - All water race closures will be progressed following appropriate consultation in a timely manner
  - Closures that have attracted 100% support do not present uncertainty or lack of clarity for Council. Council initiated closures being progressed to consultation with 70% support or greater attract some degree of uncertainty. Greater certainty will be obtained during the consultation period.

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

**Malvern**

- Reduction in length of water races 0.77%
- Loss of targeted rates income 0.16%

Based on the above assessment, staff recommend that the proposed closures are considered of **low significance**. The level of significance impacts the degree of consultation undertaken on the engagement spectrum. Council takes a conservative approach to consultation.

## 4. HISTORY/BACKGROUND

### 4.1 Proposed Closures Recommended for Progression

Council has received requests for closure of the following races.

**Table 4.1 – Proposed Water Race Closures**

Map Ref	Scheme	Received from	Road Name	Number affected Props/owners	Approx KM Race	
1	Malvern	CPW	Kowai River Road (Closure #1 from CPW)	2	1km to close (1.6km already closed d/s)	100% support from properties downstream Race already closed for part, If shut at Kowai River Road would require 1 additional signature
2	Malvern	CPW	Odgers Road (Closure #3 from CPW)	2	2.7km already closed	Retrospective closure race already closed. Council being one of the two owners
3	Malvern	CPW	Frasers Road to Barrs Rd (Closure #4 From CPW)	1	1.7km	100% Support, only one property affected.
4	Malvern	CPW	Wrights Road (Closure #5 From CPW)	1	0.5km	100% Support Received, Maps not accurate as race is shown as being open when in fact it is already closed. Other minor amendments in terms of alignment.
5	Malvern	CPW	Bluff Rd (Closure #8 From CPW)	2	1.5km	100% Support, 2 races total of 1.5km of race to close
			TOTAL	8	7.4 km	

Appended to this report are maps showing the location of the above sections of race proposed for closure.

## 5. PROPOSAL

Staff seek approval to close the following sections of water race:

### Malvern

1. Closure of 1km of race through 2 property/owners on Kowai River Road (1.6km retrospective)
2. Closure of 2.7km of race through 2 property/owners on Odgers River Road
3. Closure of 1.7km of race through 1 property/owners on Frasers Road to Barrs Road
4. Closure of 0.5km of race through 1 property/owners on Wrights Rd
5. Closure of 1.5km of race through 2 property/owners on Bluff Rd

## 6. OPTIONS

Where a request for water race closure is received, there are a number of potential options available to Council.

**Table 6.0 – Alternative Options Considered**

Option	Details	Advantage	Disadvantage
<b>1. Water race closure</b>	Race closure with the agreement of all affected land owners (rate payers on the race or directly adjacent to the race), subject to public consultation and reasoned consideration and response to issues raised during consultation.	Objective is achieved and wishes of rate payers considered.	Loss of rating income. Ecological values of races not maintained.
<b>2. Piping of water race</b>	Piping can be considered if downstream property owners wish to maintain supply. Piping to be funded by each landowner. Piping a water race will not maintain the ecological value of an open water race channel.	Supply to downstream property owners maintained.	Landowners responsible for maintenance of pipes with potential upstream impacts if not maintained. Higher cost to land owners. Ecological values of races not maintained.
<b>3. Race relocation</b>	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 land owners. Potential impacts on adjacent land owners. Cost to land owners.

Option	Details	Advantage	Disadvantage
<b>4. Race retained</b>	Do nothing races retained.	Rating income retained.	Needs of rate payers requesting closure not met.
<b>5. Onsite alternatives</b>	On site alternatives e.g. a well, could be considered if land owners 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.

These options 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 short lengths of race (excluding whole or major part of scheme closures) if 100% support from affected land owners is obtained.

## **7. VIEWS OF THOSE AFFECTED/CONSULTATION**

### **7.1 Views of those affected**

The Local Government Act section 82 requires consultation with persons affected by or have an interest in a decision. They must also be provided with a reasonable opportunity to present their views to the Local Authority.

Rate payer initiated closure have been provided for in the 2015/25 LTP.

As required under Council's water race closure process agreement to close water race forms have been received from all affected properties. An affected property owner has been deemed to be those with a race on or adjacent to the property, regardless of whether the property is rated. A letter was sent to all directly affected property owners to notify them that the proposed closure has been approved to progress to public consultation.

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

- News paper advert
- Letter to MKT & Te Taumutu Rūnanga, Department of Conservation, Fish and Game and NZ Fire Service
- A summary of proposal, maps and copy of the public advert detailing the proposed race closures was posted on Council's website

### **A letter of acknowledgement was received from Department of Conservation on 28 July 2017, Copy of email on appendix D**

*"We received your notice about the closure of 5 sections which are part of the Malvern scheme. Having a look at these sections, and available fish data, these would be at the lower end of our concern scale. These sections are fed from the Kowai River, so may contain Canterbury galaxias (At Risk Declining), longfin eel (At Risk Declining), upland bully (Not Threatened), and possibly freshwater mussels (At Risk Declining). Our advice is that it would be worth a fish salvage, particularly targeting the species with threat rankings. Unfortunately we don't have the resources to put towards this, however it is something the applicants should consider funding as part of the closure. Please call if you want to discuss,"*

Where a proposed water race closure has attracted 100% support and no submissions are received, the Sub-Committee will progress the closure once approved by Council.

## **7.2 Interested Parties Consultation**

To allow any parties with an interest in water race closures to input into the process as required by S 82 (1 (a)) of the LGA, the closures were publically advertised for a minimum of 2 weeks in Council Call and on the Council website. Maps of proposed water race closures will be available to view at Council or on the website. A summary of the proposed water race closures is made available on the Council website.

Specific stakeholders identified as Department of Conservation, Fish and Game, and Te Taumutu Rūnanga were directly provided with a copy of the above advertisement.

Council has delegated powers to hear submissions to the Water Race Sub Committee and make recommendation on the significance of water race closures and agree closures not deemed significant.

Minutes from the Water Race Subcommittee meetings are available for public viewing on Council's website.

## **7.3 Māori implications**

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.

*Mahaanui*, The Iwi Management Plan (IMP) 2013, recognises the importance of the water race network and states that they should be managed as waterways. In support of these principals Council require that heavy stock (deer and cattle) is fenced from entering the water races and provides advice to landowners on how to provide stock access to drink without entering the channel.

At the time of advertising closures, details of the proposed closure will be provided to Ngāi Tahu via MKT. It should be noted that in general water races requested for closure are often tail end races (lateral races) where excess water is disposed of to ground. Where a water race feeds another water course further consideration will be given to impacts on that waterway.

## **7.4 Ecological Considerations**

The Canterbury Water, Selwyn Wahiora 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.

EOS Ecology undertook an assessment of sites of high ecological value within the Ellesmere and Malvern Water Race schemes in 2011. A copy of the findings of the assessment is included in Appendix B.

The follow correspondence was received by department of conservation;

*"We received your notice about the closure of 5 sections which are part of the Malvern scheme. Having a look at these sections, and available fish data, these would be at the lower end of our concern scale. These sections are fed from the Kowai River, so may contain Canterbury galaxias (At Risk Declining), longfin eel (At Risk Declining), upland bully (Not Threatened), and possibly freshwater mussels (At Risk Declining). Our advice is that it would be worth a fish salvage, particularly targeting the species with threat rankings. Unfortunately we don't have the resources to put towards this, however it is something the applicants should consider funding as part of the closure. Please call if you want to discuss,"*

In a memo to Council dated 6 July 15, 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.

## **8. RELEVANT POLICY/PLANS**

The closures included in this report are consistent with Council Policy W107 Closure of Water Races.

As stated in section 3 Water Race Closures are being done in line with Council's Significance Policy.

## **9. COMMUNITY OUTCOMES**

The role of water races in maintaining a living environment where the rural theme of the District is maintained, has been recognised in the LTP. Providing an effective water race service and delivering levels of service is a key part of delivering community outcomes. Where a race cannot be supplied due to consent limits at the intakes or operational issues and leakage, maintaining channels that are not used or that have intermittent flow is counter to achieving this objective.

## 10. NEGATIVE IMPACTS

Negative impacts or effects will be considered as part of the race closure approvals process and closures will only proceed if negative effects are mitigated or minimised and affected land owners agree.

## 11. LEGAL IMPLICATIONS

None.

## 12. FUNDING IMPLICATIONS

### 12.1 Rating Impact

The proposed race closures detailed in this report are expected to have the following impact on rating income:

**Table 12.1 – Funding Implications of Proposed Race Closures**

Ref	Scheme	Received from	Road Name	Loss of Targeted Rating Income	Percentage of Total Rating Income
1	Malvern	CPW	Kowai River Road (Closure #1 from CPW)	\$0.00 (All properties still fed by another race)	0.0%
2	Malvern	CPW	Odgers Road (Closure #3 from CPW)	\$0.00 (Property still has another race)	0.0%
3	Malvern	CPW	Fraser's Road to Barrs Rd (Closure #4 From CPW)	\$0.00 (Property still has race on boundary)	0.0%
4	Malvern	CPW	Wrights Road (Closure #5 From CPW)	\$0.00 (Property still has race on boundary)	0.0%
5	Malvern	CPW	Bluff Rd (Closure #8 From CPW)	\$1348.90	0.16%
			<b>TOTAL</b>	<b>\$1348.90</b>	<b>0.16%</b>

The cumulative impact of closures will continue to be considered as more closure requests are received. This is offset by the annual charge payable by CPW of \$60,000.00 and the contribution to capital improvements within the scheme.

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

## **12.2 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.

## **12.3 Closure Costs**

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

## **13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?**

A copy of this report has been provided to the Corporate Services Manager as income accounts will be affected.



**DANIEL MEEHAN**  
**SURFACE WATERS OPERATIONS ENGINEER**



**MURRAY ENGLAND**  
**ASSET MANAGER, WATER SERVICES**

**ENDORSED FOR AGENDA**



**MURRAY WASHINGTON, ASSET MANAGER**



## **APPENDECIES**

**APPENDIX A – WATER RACE MAPS**

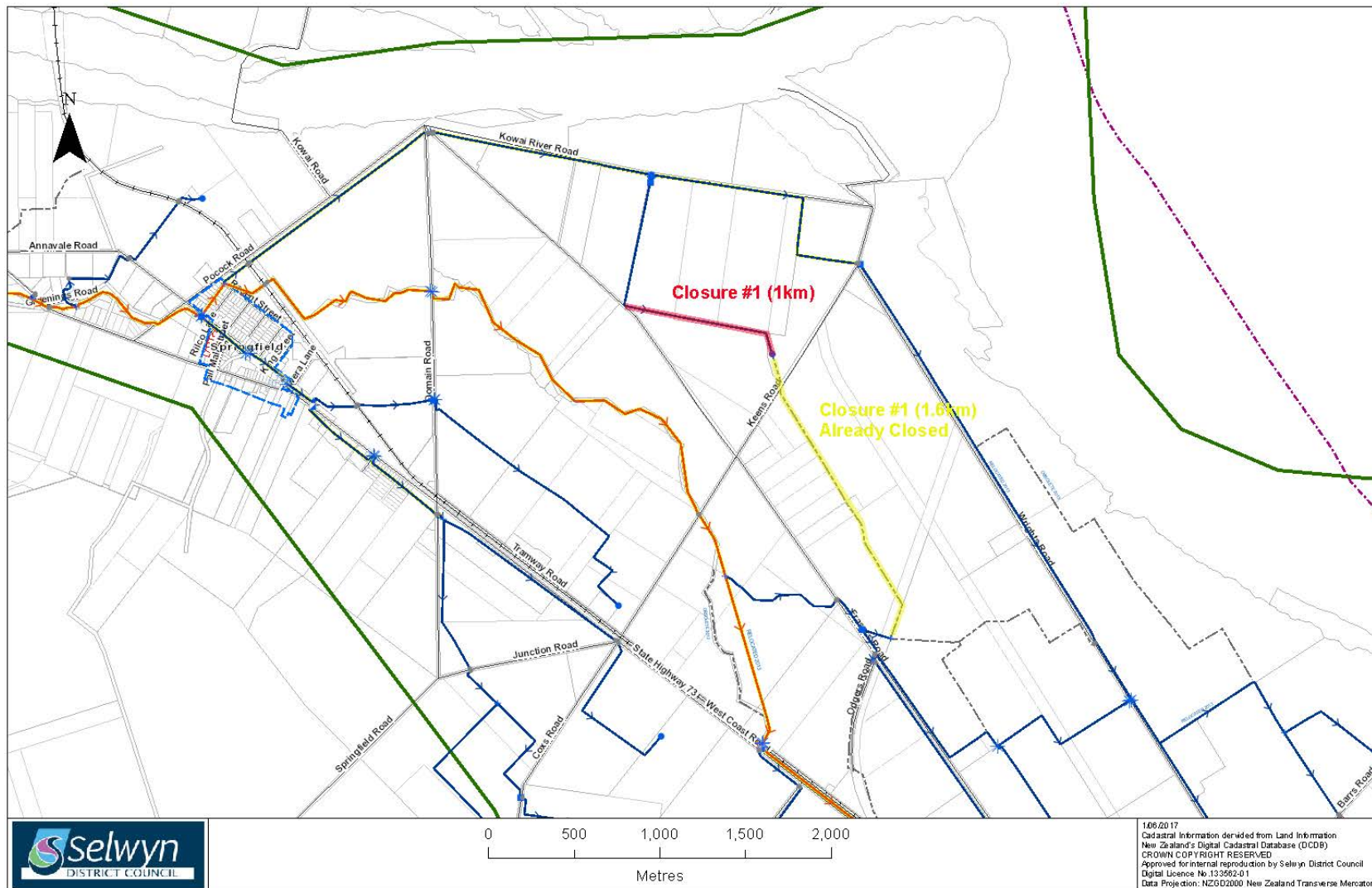
**APPENDIX B – EOS ECOLOGY, SITES OF HIGH ECOLOGICAL VALUE – 2011.**

**APPENDIX C –IWI MANAGEMENT PLAN**

**APPENDIX D – CORRESPONDANCE FROM DOC RE; JUNE CLOSURES**

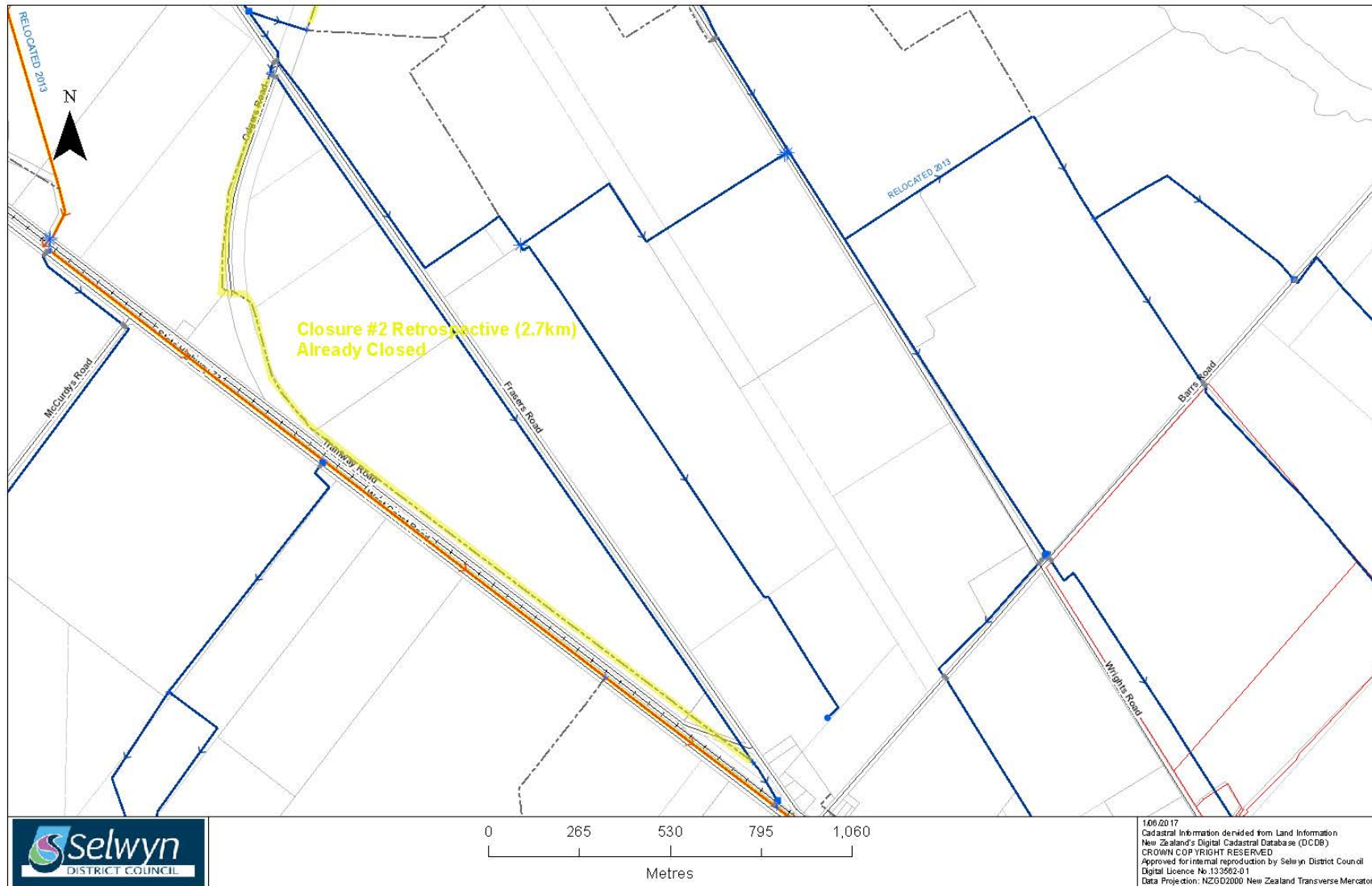
## PROPOSED CLOSURE 1 – TRAMWAY RD

### Closure 1



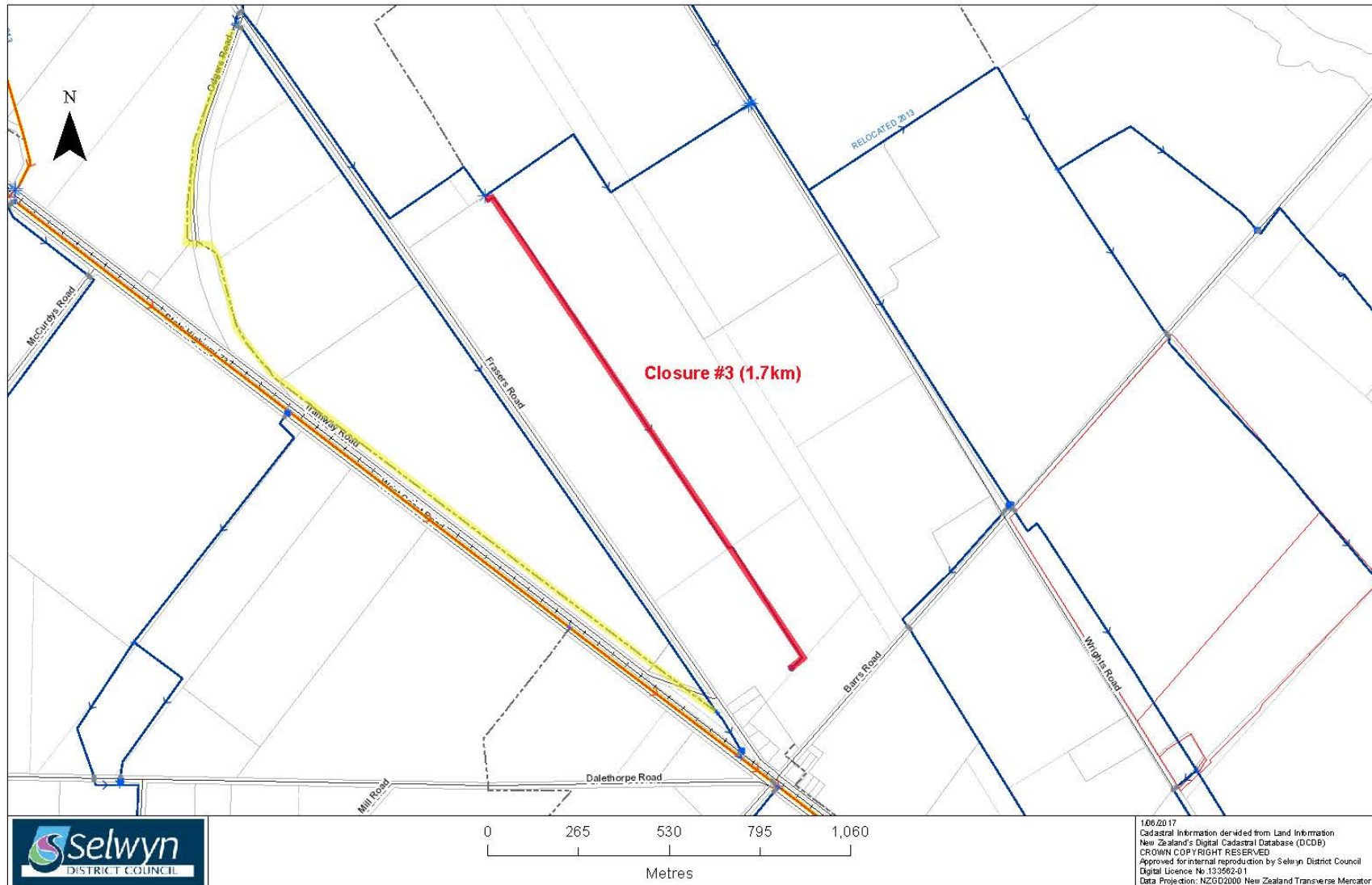
## PROPOSED CLOSURE 2 – HORORATA DUNSANDEL RD

### Closure 2



## PROPOSED CLOSURE 3

### Closure 3

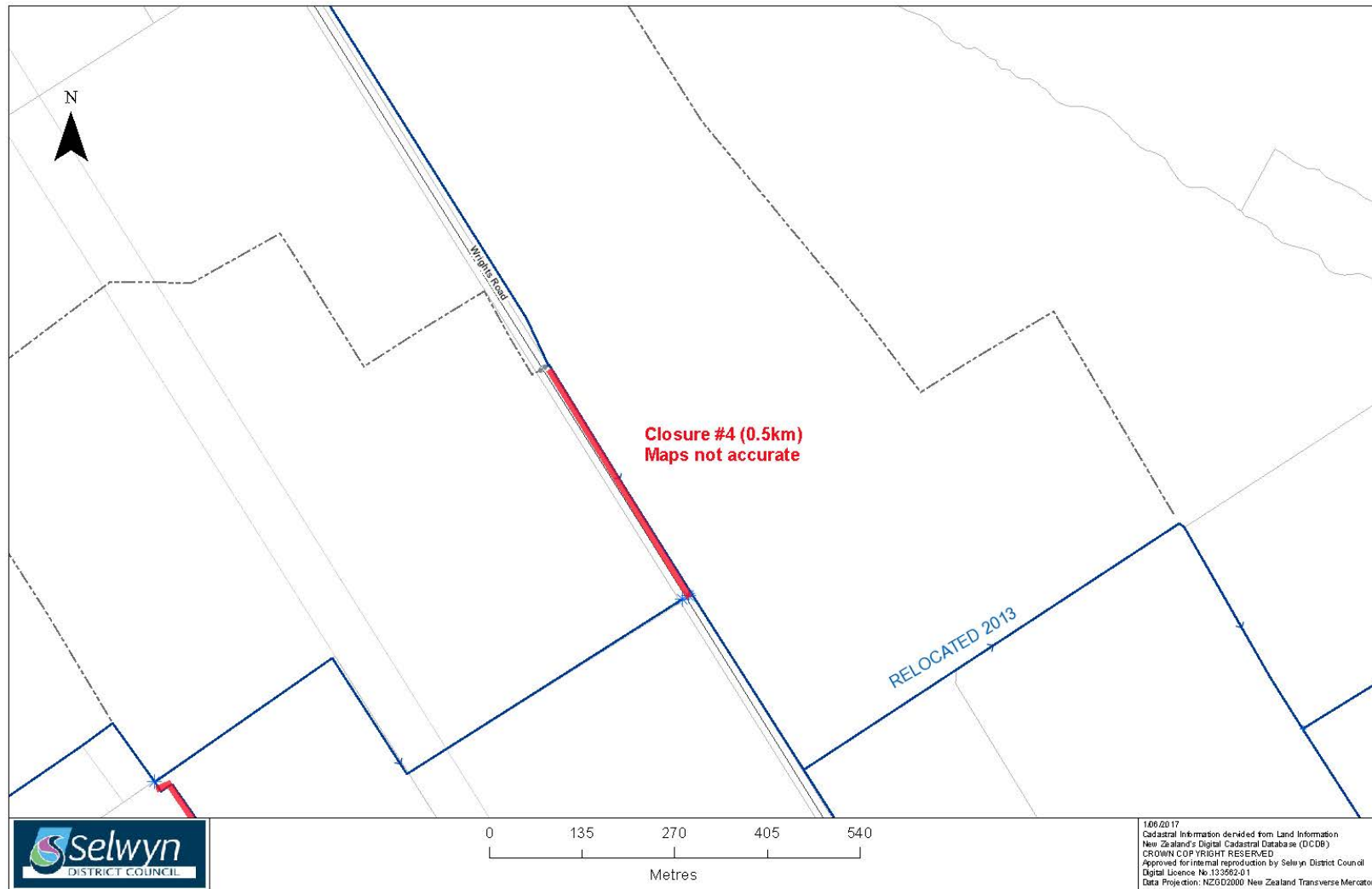


PROPOSED

CLOSURE

4

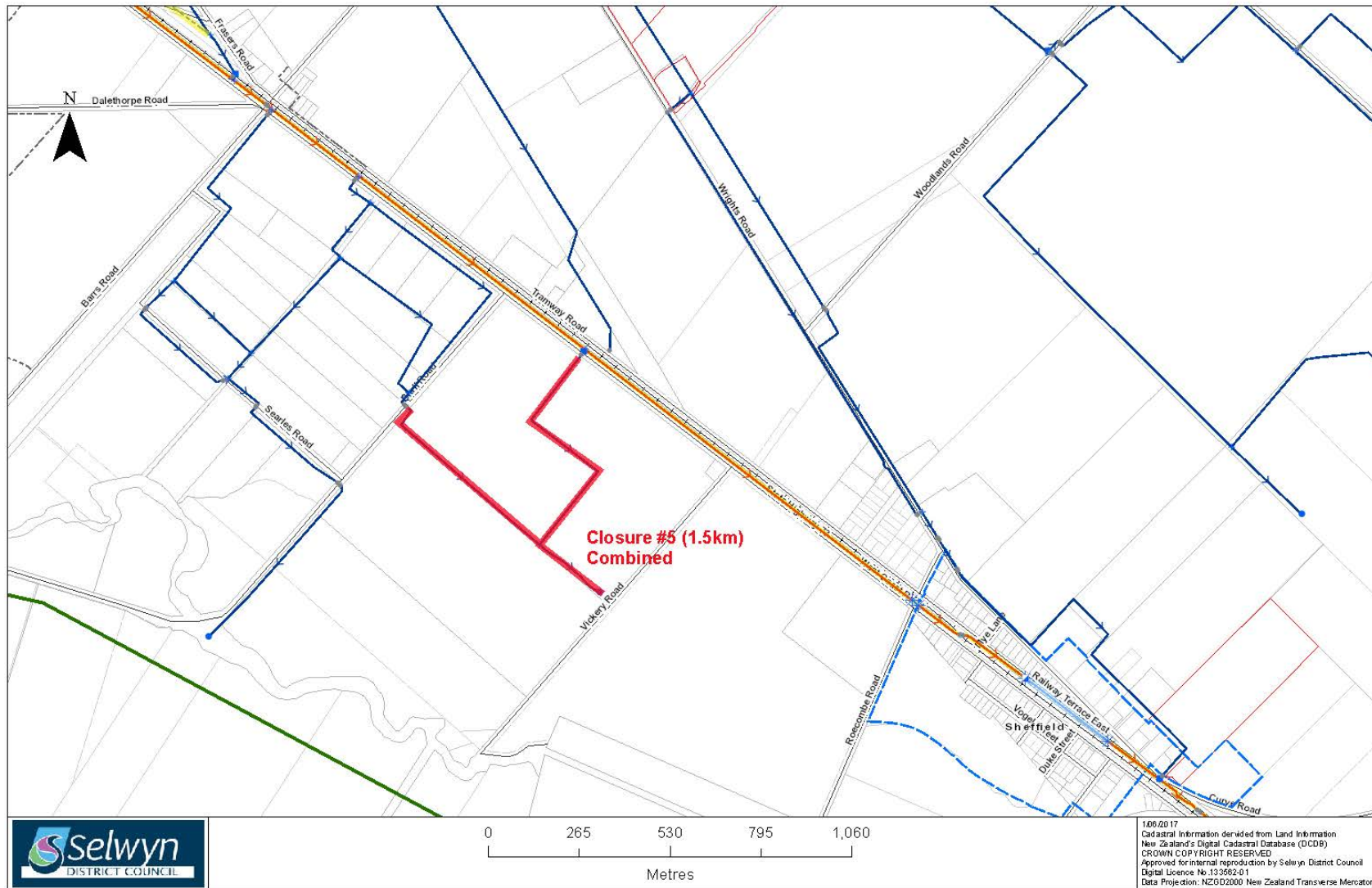
Closure 4



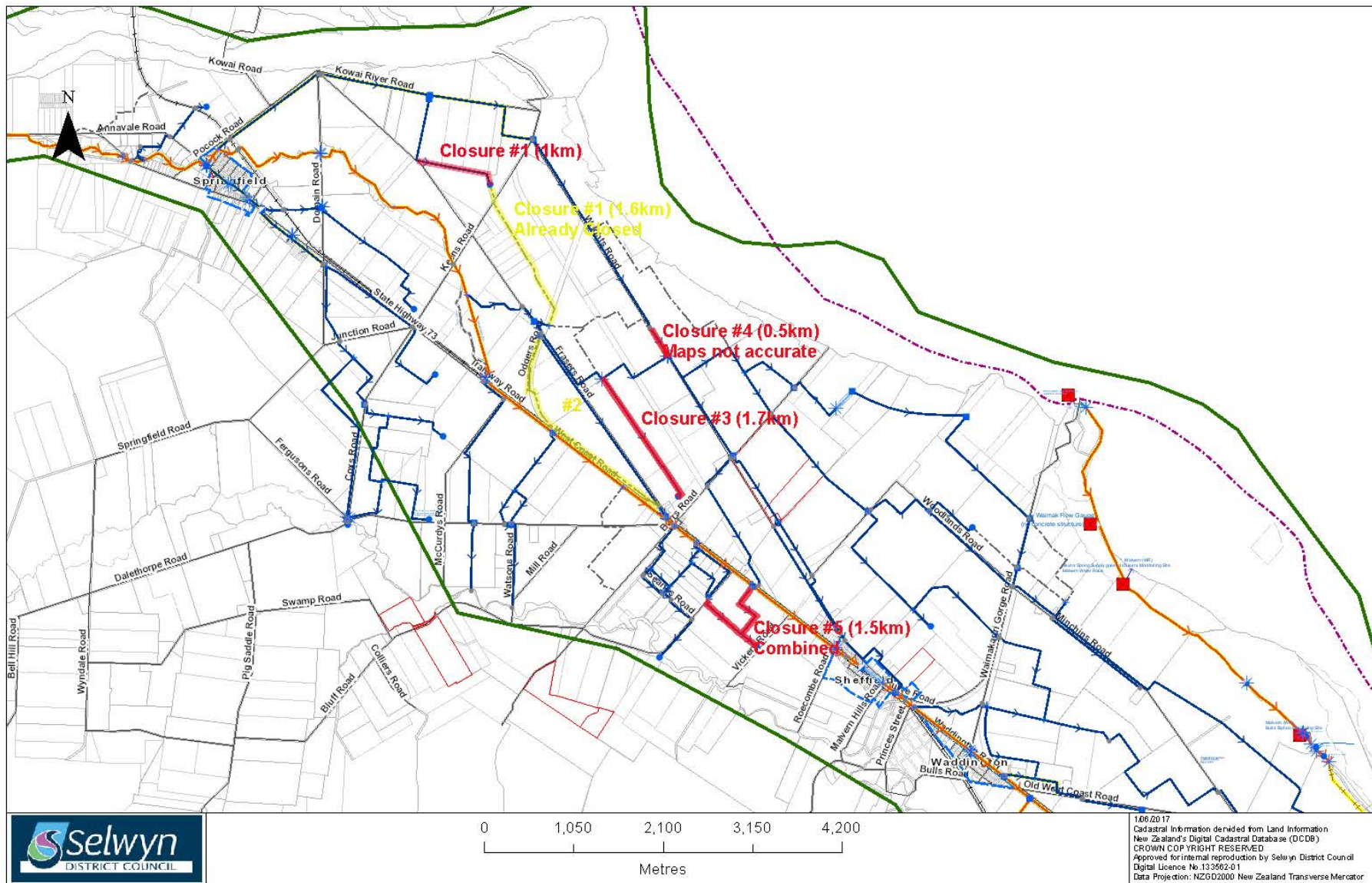
PROPOSED CLOSURE 5



## Closure 5



## Closures for June Meeting





## APPENDIX B – EOS ECOLOGY, SITES OF HIGH ECOLOGICAL VALUE – 2011.





## **APPENDIX C –IWI MANAGEMENT PLAN**

### **DRAIN MANAGEMENT PAGE 97**

**ISSUE WM14: DRAIN MANAGEMENT CAN HAVE EFFECTS ON  
NGĀI TAHU VALUES, PARTICULARLY MAHINGA KAI.  
NGĀ KAUPAPA / POLICY**

**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.**

**WM14.2 TO REQUIRE AND UPHOLD AGREEMENTS WITH LOCAL AUTHORITIES TO ENSURE THAT THE TIMING AND TECHNIQUES OF DRAIN MANAGEMENT ARE DESIGNED TO AVOID ADVERSE EFFECTS ON MAHINGA KAI AND WATER QUALITY, INCLUDING:**

- (A) IDENTIFYING DRAINS THAT ARE OR CAN BE USED FOR MAHINGA KAI;**
- (B) RETURNING ANY FISH THAT ARE REMOVED FROM DRAINS DURING THE CLEANING PROCESS TO THE WATERWAY;**
- (C) RIPARIAN PLANTING ALONG DRAINS TO PROVIDE HABITAT AND SHADE FOR MAHINGA KAI AND BANK STABILITY WHILE REDUCING THE FREQUENCY AND COSTS OF MAINTENANCE BY REDUCING AQUATIC PLANT GROWTH;**
- (D) ENSURING DRAIN MANAGEMENT/CLEANING DOES NOT BREACH THE CONFINING LAYERS;**
- (E) USE OF LOW IMPACT CLEANING METHODS SUCH AS MECHANICAL ‘FINGER BUCKETS’, AS OPPOSED TO CHEMICAL METHODS SUCH AS SPRAYING, TO MINIMISE EFFECTS ON AQUATIC LIFE;**
- (F) NOTIFICATION TO TĀNGATA WHENUA OF ANY CHEMICAL SPRAYING OF DRAINS USED FOR MAHINGA KAI OR CONNECTED TO WATERWAYS USED AS MAHINGA KAI; AND**
- (G) INVOLVEMENT OF TĀNGATA WHENUA IN DRAIN MAINTENANCE ACTIVITIES WHERE THERE IS A NEED TO RETURN NATIVE FISH BACK TO THE DRAIN (E.G. TUNA, KEKEWAI AND KANAKANA).**

#### **HE KUPU WHAKAMĀHUKIHUKI / EXPLANATION**

**DRAINS ARE A COMMON FEATURE ACROSS NGĀ PĀKIHI WHAKATEKATEKA O WAITAHA, GIVEN THAT MUCH OF THE LAND IN LOWER CATCHMENT AREAS WAS ORIGINALLY SWAMP. AN EXTENSIVE NETWORK OF DRAINS PROVIDES FLOOD PROTECTION FOR SETTLEMENT AND LAND USE. SOME OF THESE DRAINS ARE MODIFIED NATURAL WATERWAYS, AND MANY CONNECT OR EMPTY INTO EXISTING WATERWAYS AND WATERBODIES. FOR THIS REASON DRAIN MANAGEMENT IS AN IMPORTANT KAUPAPA FOR TĀNGATA WHENUA. WHILE DRAINS MAY NOT BE HIGHLY VALUED IN THE WIDER COMMUNITY, DRAINS THAT FUNCTION AS MAHINGA KAI HABITAT AND WHERE MAHINGA KAI RESOURCES ARE GATHERED MAY BE IDENTIFIED AS WĀHI TAONGA BY NGĀI TAHU.**

**“YOU CAN’T TELL A FISH WHAT THE DIFFERENCE IS BETWEEN A DRAIN, RIVER, STREAM OR SPRING.” DAVID PERENARA  
O’CONNELL, TE TAUMUTU RŪNANGA NATURAL RESOURCE  
MANAGEMENT PLAN 2002.**

**“SPRAYING IS A QUICK FIX TECHNIQUE, WITH A VERY LONG  
RECOVERY TIME.” UNCLE WAITAI TIKAO, ŌNUKU RŪNANGA.**

## APPENDIX D – CORRESPONDANCE FROM DOC RE; JUNE CLOSURES

**Daniel Meehan**

**From:** Anita Spencer <aspencer@doc.govt.nz>  
**Sent:** Friday, 28 July 2017 12:48 p.m.  
**To:** Daniel Meehan  
**Subject:** Water race closures

Hi Daniel,

We received your notice about the closure of 5 sections which are part of the Malvern scheme. Having a look at these sections, and available fish data, these would be at the lower end of our concern scale. These sections are fed from the Kowai River, so may contain Canterbury galaxias (At Risk Declining), longfin eel (At Risk Declining), upland bully (Not Threatened), and possibly freshwater mussels (At Risk Declining). Our advice is that it would be worth a fish salvage, particularly targeting the species with threat rankings. Unfortunately we don't have the resources to put towards this, however it is something the applicants should consider funding as part of the closure. Please call if you want to discuss,

Ngā mihi  
Anita

Anita Spencer  
Senior Ranger

Phone 03 341 9109 / 027 542 8056  
Mahaanui Office/Department of Conservation/31 Nga Mahi Rd/Sockburn/Christchurch  
PO Box 11089/Sockburn 8443/ Christchurch



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## **PUBLIC REPORT**

**TO:** Chief Executive

**FOR:** Water Race Sub Committee Meeting – 9 October 2017

**FROM:** Asset Manager Water Services

**DATE:** 29 September 2017

**SUBJECT:** **Water Race Bylaw 2008 Review**

---

### **1. RECOMMENDATION**

**That the Water Race Sub-Committee members provide final feedback to the Asset Manager Water Services on any amendments sought to the Bylaw.**

### **2. PURPOSE**

The purpose of this report is to commence the review of the Water Race Bylaw 2008

### **3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT**

The intention to review the Bylaw has been assessed against the Significance and Engagement Policy and has been determined as being of significant interest to the public as it potentially affects a strategic asset (being the Council's water race network).

### **4. HISTORY/BACKGROUND**

The Bylaw was adopted as the "Water Race Bylaw 2000" on 13 September 2000.

The Bylaw was reviewed and renamed the "Water Race Bylaw 2008" by the Council on 11 June 2008.

The Water Race Sub-Committee on the 12 June 2017 agreed to review the Water Race Bylaw 2008.

The Asset Manager Water Services presented the reviewed Water Race Bylaw to the Committee at the 14 August 2017 meeting. The committee requested a number of changes to the draft. The requested changes were reviewed as part of the legal

review of the bylaw. Key changes to the original “Water Race Bylaw 2008” are provided in Appendix Six.

## 5. PROPOSAL

That the Bylaw is reviewed with input from the Water Race Committee. To review the Bylaw the following questions must be considered by the Council<sup>1</sup>:

- a) *Is the Bylaw is still the most appropriate way to deal with water races as per Section 155(1) of the LGA?*

Staff consider that the Bylaw is still the most appropriate way to deal with water races because:

- The water race regime remains much the same as it was in 2008 when the Bylaw was reviewed.
- The regulatory drivers remain the same as they were in 2008.

- b) *Is the Bylaw is still the most appropriate form to deal with water races as per Section 155(2)(a) of the LGA but requires review to ensure it is still current?*

For similar reasons, staff consider that the Bylaw is still in the most appropriate form to deal with water races.

- c) *Do any issues arise under NZBORA in respect of the Bylaw?*

Section 155(2)(b) of the LGA requires that any Bylaw not be inconsistent with the NZ Bill of Rights Act 1990. Council will obtain legal advice to ensure that the Bylaw is consistent with NZBORA.

The final draft bylaw will be presented to the Council for adoption for consultation.

## 6. OPTIONS

Options Available to Council include:

- a) **Do nothing** – failure to review the current Bylaw by 11 June 2018 will result in its lapse by 11 June 2020 and a new process would need to be implemented.
- b) **Revoke the current Bylaw and rely on other methods** – the Council will then have no statutory authority to protect the public asset which is passing through private property.
- c) **Proceed with the review.** Review of the current Bylaw will ensure it is up to date with relevant legislation and also update it in terms of current management and operating best practices.

<sup>1</sup> See full text of the relevant sections in the LGA in Appendix Three.

## **7. VIEWS OF THOSE AFFECTED/CONSULTATION**

### **a) Views of those affected**

The general public will be invited to make submissions on the review of the Bylaw.

### **b) Consultation**

The intention to review the Bylaw has been assessed against the Significance and Engagement Policy and has been determined as being of significant interest to the public as it potentially affects a strategic asset (being the Council's water race network).

### **c) Maori implications**

The Council considers that the public notification and opportunity for submission process will provide appropriate opportunity for Māori contribution to the decision making process. Local Rūnunga will be directly notified of this consultative process.

## **8. RELEVANT POLICY/PLANS**

As part of the bylaw review process, Council staff will ensure there is no inconsistency with other relevant policy and plans.

## **9. COMMUNITY OUTCOMES**

The preparation of the Bylaws promotes the key community outcomes of 'a clean environment', 'A prosperous community' and 'A rural district' (LTP 2015-2025 pg. 19 and 22).

## **10. NEGATIVE IMPACTS**

The Bylaws are unlikely to negatively impact on the community as a whole or on the Council activities and will assist in the long term sustainable management of Councils water race schemes.

## **11. LEGAL IMPLICATIONS**

The Bylaw will be reviewed in a democratic manner by the Council by consulting in accordance with the procedure set out in section 160 of the LGA and the final consideration being made by elected members of Council.

The Council will take further legal advice as require.

## **12. FUNDING IMPLICATIONS**

There are not expected to be any operational or capital costs to the Council as a result of reviewing the Bylaw.

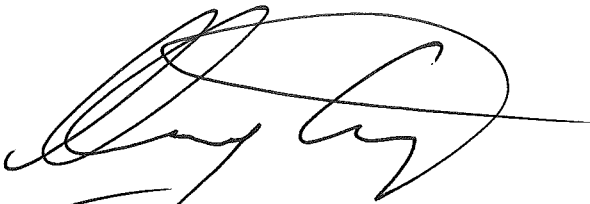
**13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?**

A copy of this report has been provided to the Regulatory Manager as bylaws are part of his portfolio.



**MURRAY ENGLAND – ASSET MANAGER – WATER SERVICES**

**ENDORSED FOR AGENDA**



**MURRAY WASHINGTON – ASSET MANAGER**

APPENDIX ONE  
APPENDIX TWO  
APPENDIX THREE  
APPENDIX FOUR  
APPENDIX FIVE  
APPENDIX SIX

Selwyn District Council Water Race Bylaw 2008  
Flowchart 2 and 3  
LGA provisions  
Reviewed Bylaw  
Compare against the original bylaw.  
Key changes to the original "Water Race Bylaw 2008"

**APPENDIX ONE**

**Selwyn District Council Water race Bylaw 2008**

## **SELWYN DISTRICT COUNCIL WATER RACE BYLAW 2008**

### **1 TITLE:**

- 1.1 This bylaw is made by the Selwyn District Council pursuant to the powers and authority vested in the Council by Section 146 (b)(i) of the Local Government Act 2002. This bylaw shall be known as the Selwyn District Council Water Race Bylaw 2008.

### **2. INTRODUCTION**

- 2.1 The primary purpose of the water race system is to provide drinking water for farm animals. Some properties also use the water race system as an untreated domestic water supply. Secondary purposes of the water race system are for irrigation (where permitted by the Council), fire fighting and enhancement of amenity and ecological values.

The activities governed by this Bylaw, including the taking, use, damming and diversion of water, may also be subject to regional rules in the Waimakariri River Regional Plan and the Proposed Natural Resources Regional Plan for Canterbury. Compliance with this Bylaw does not imply compliance with regional rules and a resource consent may be required.

Land use close to water races that may contaminate water quality and other activities involving discharges into water races are subject to rules in the Proposed Natural Resources Regional Plan for Canterbury, and the Selwyn District Plan. Resource consent may be required for those activities.

- 2.2 The Council also has policies which it uses as part of the management of the water races; they do not form part of these bylaws but should be consulted by any person interested in the management of the water races.

### **3. DATE OF COMMENCEMENT**

- 3.1. This bylaw comes into force on the 1 July 2008

### **4. REPEALS**

- 4.1. The Selwyn District Council Water Race By-law 2000 is hereby repealed.

### **5. APPLICATION OF BYLAW**

- 5.1 This bylaw applies throughout Selwyn District and includes properties that are rated for stock water outside of the Selwyn District boundary.

### **6. DEFINITIONS**

References to a repealed enactment include its replacement.

For the purpose of this bylaw, unless the context otherwise requires;



**'Agent'** means any person or body authorised by the Council to maintain and administer the water race system

**"Accessories"** means all objects used in conjunction with a Water Race and includes, where the context so requires, all weirs, gates and valves used for regulating flow, and flow metering equipment

**"Agreement"** means a written agreement between the landowner and the Council giving permission to do something within the water race system.

**"Bylaw"** means this bylaw as altered, varied or amended from time to time

**"Commercial irrigation"** means irrigation using water supplied from a water race for a fee paid to the Council

**"Council"** means the Selwyn District Council or any person authorised to exercise the authority of the Council, or its agent

**"Council water race"** means a water race that is on land under the control of the Council

**"District"** means the Selwyn District and whereby agreement Christchurch City Council.

**"Existing Use"** means any right to take water from a Water Race where;

- (a) That right was lawfully established at the commencement of this bylaw; and
- (b) The quantity of water taken and use of the water is the same or similar to that which existed before the commencement of this bylaw.

**"Farm stock water race"** means a water race on land that is not under control of the Council.

**"Maintenance"** means cleaning and maintaining the water race system in accordance with the Water Race Management Plan

**"Non commercial irrigation"** means watering a residential garden or shelter belt of trees using water from a water race

**"Owner or Occupier"** means the owner or occupier of land recorded as such in the valuation roll of the District

**"Rural agricultural drinking-water supply"** has the same meaning as in the Health [Drinking Water] Amendment Act 2008

**"Water race"** has the same meaning as in the Local Government Act 2002

**"Water Race Management Plan"** means the Water Race Management Plan authorised by the Council and altered or amended by the Council from time to time. It is available from the Council on request

**"Water Race Policy"** means the policies set out in the Water Race Management Plan

**“Water Race System”** means the system of water races having its origins at;

Earlys Intake on the Rakaia River, grid reference NZMS 260 L35:2413 -5732, and

Lower Rakaia Intake on the Rakaia River, grid reference NZMS 260 L35: 2436-5717, and

Paparua Intake located on the Waimakariri River, grid reference NZMS 260 L35: 2453-5748, and

Lower Kowai Intake located on the Kowai River, grid reference NZMS 260 L35: 1781-6347, and

Upper Kowai Intake located on the Kowai River, grid reference NZMS 260 L35: 1687-6299, and

Waimakariri Gorge Intake located on the Waimakariri River, grid reference NZMS 260 L35: 3297-6054, and

Glentunnel Intake located on the Selwyn River, grid reference NZMS 260 L35: 2479-6478, and

Haldon Intake, located on the Hororata River, grid reference NZMS 260 L35: 2429-5737, and

and any other source of supply from which the Council may take water for water races, including water races and any tail race, branch, artificial or natural channel connected to a water race and channels which are wholly or partially supplied with water from a water race, other than those channels into which water is spilled when that water is no longer required for operation of the water race system.

## **6. RIGHT TO TAKE WATER**

6.1 No person may, whether directly or indirectly, take, divert or use any water in or from a Water Race except;

- (a) Pursuant to a lawfully established existing use, or
- (b) With the agreement of the Council, granted under this bylaw or any other bylaw; and
- (c) Upon the payment of annual charges that may be determined from time to time by the Council: or
- (d) In the case of an emergency, for fire fighting.
- (e) The New Zealand Fire Service for the purposes of training and testing.

6.2 Any person who wishes to take water from a water race may apply to the Council for permission to take water. Such application;

- (a) Must be in writing, and be accompanied by the prescribed application fee.
- (b) Must describe with sufficient particularity:



- (i) The applicant
  - (ii) The land to be served by the water taken
  - (ii) The Water Race from which water will be taken
  - (iii) The purpose or purposes for which water will be taken
  - (iv) The method (such as pipe, open drain or other method) by which water will be taken
  - (v) The place or places in the Water Race from which water will be taken.
- 6.3 Where construction works are proposed to enable water to be taken, the application must be accompanied by plans and specifications which adequately describe the proposed work.
- 6.4 If the Water Race from which water is to be taken is not located on the applicant's land, the application must be accompanied by written evidence of the agreement of the owner or occupier of the land on which the water race is located.
- 6.5 Within 15 working days of receipt of a complete application the Council will, in writing, either:
- (a) Grant the application, with or without conditions, or
  - (b) Decline or defer the application, and give the reasons for its decision.
- 6.6 Notwithstanding Clause 6.5, if the water is required urgently and no other sources of water supply are accessible to the applicant, the application will be assessed and given priority by the Council.
- 6.7 When granting an application subject to conditions, those conditions may include, but are not limited to the following,
- (a) Approval of the construction practices or specifications in accordance with Council requirements;
  - (b) Requiring the supervision of construction works by the Council with the cost of such supervision to be met by the applicant;
  - (c) Requiring the use of contractors approved by the Council, at the applicant's expense, in respect of any work affecting a public road or other utility services
  - (d) Requiring additional work to be undertaken if the Council considers such work necessary for the protection of the Water Race, other water race users, or members of the public;
  - (e) Limiting the quantity of water which may be taken and/or the times at which water may be taken;
  - (f) Limiting the purposes for which water may be taken;
  - (g) Specifying the place or places from which water may be taken;

- (h) Requiring the installation of accessories relevant to the application at the applicant's expense, or
  - (i) Requiring payment of fees.
- 6.7 The applicant may object to any decision of the Council made under this bylaw by giving notice in writing to the Council. Such notice must set out the grounds of the objection. Within 20 working days of receiving a notice of objection, the Council will convene a hearing at which the objection will be heard. Not less than 5 working days notice in writing of the time and place of the hearing will be given to the objector. After hearing the objection the Council may:
  - (a) Confirm the original decision; or
  - (b) Reverse the original decision; and/or
  - (c) Impose new or varied conditions.
- 6.8 An agreement to take water from a water race, when granted, runs with the land described in the application and binds successors in title to that land.
- 6.9 **Commercial Irrigation**  
Upon written approval of the Council, water may be taken for commercial irrigation from water races in the Paparua Scheme that have been designated as irrigation water races or combined stock water and irrigation water races.
- 6.10 **Non Commercial Irrigation**  
Upon written approval of the Council, water may be taken from water races for non-commercial irrigation of domestic gardens, provided;
  - (a) no more than 4,000 litres of water is taken per day,
  - (b) water is taken in accordance with the water race policy, and
  - (c) the application fee as determined from time to time is paid.
- 6.11 Upon written approval of the Council, water may be taken from water races for non-commercial irrigation of shelter belts, provided;
  - (a) no more than 4,000 litres of water is taken per day,
  - (b) water is taken in accordance with the water race policy, and
  - (c) the application fee as determined from time to time is paid.

## **7. EMERGENCY**

- 7.1 In the case of a fire emergency, water may be taken from water races for fire fighting purposes without the need to first obtain permission from the Council.



## 8. PROHIBITED USES

The following uses of a water race are prohibited:

- 8.1 No person(s) may bathe or wash clothing or other things in a water race.
- 8.2 Allowing domestic fowl, be they water-fowl or otherwise, into or on a water race.
- 8.3 Allowing detergents, chemicals or nutrients to enter a water race
- 8.4 Allowing backflow from irrigation equipment to enter a water race
- 8.5 Allowing animals to enter a water race, except that a drinking station may be provided outside the water race.
- 8.6 Carrying out any activity on land or in any building or yard which contaminates the water in the water race.
- 8.7 Obstructing the flow of water in the water race by any means whatsoever.
- 8.8 Allowing or causing any animal or vehicle to enter or cross a water race except at bridges, culverts or crossing places provided by the Council or constructed with the Council's written approval.
- 8.9 Allowing or causing any part of any fence to remain in a water race.
- 8.10 Taking or diverting water from a water race without the prior written agreement of the Council.
- 8.11 Allowing water from a water race to be wasted by failing to adequately maintain or repair any pipe or other apparatus.
- 8.12 Interfering with any regulating gate or other apparatus or doing anything which may cause the supply of water from a water race to be increased or decreased without the written approval of the Council.
- 8.13 Permitting a person who does not pay water race rates to take water from a water race.
- 8.14 Widening or deepening any water race or altering the course of any water race without the written approval of the Council.
- 8.15 Permitting or causing any Statutory Nuisance as defined under Section 29 of the Health Act 1956.
- 8.16 Obstructing any crossing point over a water race.
- 8.17 Removing, displacing, altering, damaging or interfering with any bank, dam, sluice, flume, bridge, gauge, meter, reservoir, pipe, or other work or thing used in supplying or distributing water from any water race.
- 8.18 Disturbing the ground so as to uncover any culverts belonging to any water race or lengthening or decreasing the length of any culvert without the written authority of the Council.

- 8.19 Making any structure over, in, or under a water race unless approved by the Council.
- 8.20 Sowing, planting, or allowing to grow any tree, hedge, shrub or other plant of any kind, within a distance of 3 metres of either side of a water race except:
- (a) Crops and pasture are permitted; and
  - (b) Shrubs or plants forming any part of a live fence and maintained to less than 1.5 metres in height may be sown or planted on one side of a water race only, at a distance of not less than 1 metre from the edge of the water race.
  - (c) A strip, at least 6 metres wide, must be left unplanted adjacent to one side of the water race to enable access to the water race for machinery used for cleaning.
  - (d) As otherwise approved by the Council.
- 8.21 Erecting any building or structure of any kind or size within ten metres of either side of any water race without the written authorisation of the Council.
- 8.22 Discharging effluent into a water race.

## **9. COUNCIL RESPONSIBILITIES**

- 9.1 Notwithstanding anything to the contrary in this bylaw, the Council is responsible for the maintenance and repair of:
- (a) The Water Races classified as Council water races and listed in Plan – 006/000/WR (Malvern), 007/000/WR (Paparua), 008/000/WR (Ellesmere);
  - (b) Accessories located within any of the water races listed in Plan 002/000/WR (Malvern), 003/000/WR (Paparua) and 004/000/WR (Ellesmere);
  - (c) Any weir, gate, or valve located in any water race where more than one property is served by the water race downstream of that weir, gate or valve.
- 9.2 Except as provided in clause 9.1, the cost of maintaining and repairing any water race or accessory is the responsibility, as the circumstances require, of either:
- (a) The owner or occupier of the land within which the water race or accessory is located; or
  - (b) Where the water race or accessory is located within a road or a reserve, the owner or occupier of the land which is contiguous to that road or reserve; or
  - (c) Where the water race or accessory is located on or about the common boundary between land in different ownership, the owners of the land in equal shares.



9.3 The person(s) nominated in 9.2 is responsible for the regular inspection, repair, maintenance, and cleaning of the relevant section of the water race to a standard sufficient to ensure that:

- (a) Any obstruction to the free flow of water along the water race is removed as soon as is reasonably practicable;
- (b) As far as is practicable, no water is wasted by seepage or otherwise;
- (c) Continuity of supply and free flow of water downstream is maintained at all times.

## **10. CLEANING**

### **10.1 Farm Stockwater Race Cleaning**

- (a) In addition to Clauses 9.2 and 9.3 the owners or occupiers of land through which a farm stockwater race runs must, at their own cost keep and maintain the water race in good order including the sides and banks in such a condition to ensure a continuous flow preventing any overflow, leakage, or wastage of water to property or roads.

### **10.2 Other Water Race Cleaning**

- (a) Council water races are cleaned by the Council.

### **10.3 Removal of Matter and Debris**

- (a) All matter or debris deposited as part of the cleaning of a water race must be removed by the owner or occupier of the land through which that water race runs, at the time that cleaning is undertaken, or as soon as practicable thereafter; and
- (b) The cost of the removal of that matter and debris will be borne by the owner or occupier of the land through which that water race runs; and
- (c) The owner or occupier will take all reasonable steps to prevent any matter or debris removed from the water race from re-entering the water race; and
- (d) Allow access to the water race by machinery used to clean the water race.
- (e) When working within road reserve a traffic management plan will be required. The person undertaking the work will obtain this approval prior to any work being carried out.

### **10.4 Maintaining, Cleaning and/or Improving the Races**

- (a) When the Council clears, cleans, renovates or improves any part of a water race or any land adjoining a water race, it may deposit any matter removed on any part of the land adjacent to the water race, except where the land is a formed public road.

- (b) When working within road reserve a traffic management plan will be required. The person undertaking the work will obtain this approval prior to any work being carried out.
- (c) All such matter or debris deposited by the Council must be placed in such a manner as to prevent the matter re-entering the water race and to allow access to the water race by machinery used for maintenance.
- (d) If material cleaned from a water race is to be deposited in an area where grass is regularly mown, the Council will notify the owner or occupier of the land 48 hours prior to cleaning work being commenced,
- (e) Material cleaned from Council water races adjacent to a road and deposited in an area of the road verge which is regularly mown will be removed for a length of 50 metres. Removal of any additional material is at the cost of the owner or occupier of the land.
- (f) With the prior agreement of the Council, the owners or occupiers of land through which a water race runs may develop or implement a management plan to enhance that water race for ecological purposes. Where the Council gives its approval, and such a plan is implemented, that section of the water race will be listed by the Council in the Water Race Management Plan.

## **11 FAILURE TO REPAIR OR CLEAN A WATER RACE**

- 11.1 Pursuant to s.182 of the Local Government Act 2002, if an owner or occupier of land fails to comply with any provision of this bylaw, having been required to do so in writing by the Council, the Council may enter onto the land, make good such failure, and charge the owner or occupier for any costs incurred.
- 11.2 Notwithstanding 11.1, if following a complaint of lack of water or flooding, the Council discovers an obstruction which is capable of an immediate remedy, the Council may, without notice to the owner or occupier of the land upon which the obstruction is located:
  - (a) Forthwith remove that obstruction; and
  - (b) Require the owner or occupier of that land to pay an "obstruction removal fee" the amount of which may be prescribed by the Council from time to time.
  - (c) An obstruction removal fee when charged is a debt due from the owner or occupier of the land and the Council may take action to recover such debt without further notice, if the debt remains unpaid after 1 calendar month.

## **12. DIVERTING WATER**

- 12.1 The Council may grant permission to divert water from a water race to a pond or reservoir provided that:
  - (a) No person may divert water from a water race unless the Council has issued an agreement to do so in writing. Such an agreement may be



revoked by the Council after giving three months notice of its intention to do so.

- (b) The pond or reservoir must be watertight and lined with impervious material.
- (c) The intake and outlet of the pond or reservoir must be able to be shut off as required to ensure compliance with water restrictions or resource consent conditions.
- (d) An outfall must be provided from the pond or reservoir such that any overflow flows back to the water race, at the same water level as the water race.
- (e) The Council may impose conditions restricting the area, volume or depth of any pond or reservoir.
- (f) No pond or reservoir may cause any reduction in water flow in the water race from which water is diverted.
- (g) No person may construct a dam to raise the water level in the water race for the purpose of creating a pond or reservoir.

### 13. EXISTING USES

13.1 If, at the date this bylaw comes into force there are obstructions, including but not limited to;

- (a) Trees, hedges, other plants or shrubs of any kind, growing or dead, in the form or nature of stumps or otherwise, situated contrary to the provisions of this bylaw and irrespective of how, when or by what means they came to be there, or
- (b) Structures, buildings, yards or ponds which are situated contrary to the provisions of this bylaw, and
- (c) If, in the opinion of the Council, any such obstruction interferes with the flow of the water or creates excessive maintenance issues in any water race, the Council may;

Require the owner or occupier of the land on which the obstruction is located to remove that obstruction by giving notice accordingly.

13.2 An owner or occupier who objects to a requirement to remove an obstruction will be given an opportunity to be heard by the Council regarding that objection.

13.3 If, having heard the objection, the Council confirms its opinion that the obstruction must be removed, it will notify the owner or occupier accordingly and will consider whether compensation is payable to the owner or occupier.

13.4 If, after an objection has been heard and the Council has given notice in accordance with Clause 13.3, an owner or occupier fails to remove an obstruction within a reasonable timeframe the Council may take action pursuant to these bylaws and in particular Clause 11.1.

#### **14. EXTRA OR ABNORMAL SUPPLIES**

- 14.1 The Council may, at its discretion, grant an extra supply of water from a water race for special purposes, including fire fighting, or for purposes not otherwise authorised by this bylaw, at a cost to be established by the Council at the time of an application for such extra supply. Such cost may be varied from time to time.

#### **15. POWERS OF THE COUNCIL**

- 15.1 The Council may, pursuant to the powers vested in it under the Local Government Rating Act 2002, the Local Government Act 1974 and the Local Government Act 2002, vary, alter, reduce, increase or remove charges and rates levied for the maintenance and operation of the water race system.
- 15.2 The Council may alter the basis or manner or scale on which any or all such charges or rates are to be assessed as it sees fit in accordance with the powers vested in it.
- 15.3 The Council may impose restrictions on taking water from time to time.
- 15.4 Where a person is lawfully entitled to take water from a water race for any purpose other than for stock drinking water, including but not limited to irrigation, the Council may impose a charge.
- 15.5 Nothing in this bylaw limits the entitlement of the Council to levy a rate to recover the cost incurred in maintaining and operating any water race.
- 15.6 The Council may, at any time and from time to time, set or vary by ordinary resolution, application fees, obstruction removal fees, and charges for taking water for purposes other than stock drinking water.
- 15.7 The Council may perform its obligations and exercise its rights under these bylaws or otherwise in relation to the water race system through its nominated agents, employees or contractors, or the Agent, as the Council determines from time to time.

#### **16. BREACHES OF THIS BYLAW**

Every person commits an offence who -

- 16.1 Defaults in payment of any rate imposed on their land in respect of the supply of stock water or irrigation water
- 16.2 Fails to do or perform any act, or thing, that he or she is required to do by these bylaws
- 16.3 Permits, allows, or does, any of the acts that are prohibited in this bylaw

- 16.4 Fails to comply with his or her water supply agreement with the Council
- 16.5 Breaches this bylaw.

## 17. PENALTIES

- 17.1 Every person who contravenes this bylaw is liable to a fine not exceeding \$20,000 or other such amount as may be provided for under the Local Government Act 2002.
- 17.2 In addition to any penalty imposed by any court for a breach of this bylaw, the Council may sue for and recover from any person, the cost of damage done or caused to a water race or associated works, or in respect of any water unlawfully taken or diverted or wasted or lost due to any failure to comply with this bylaw.

## 18. SAVINGS

- 18.1 Nothing in this bylaw is an undertaking or guarantee by the Council that it will provide water in any water race either at all, or to any quantity or to any specified quality.
- 18.2 Nothing in this bylaw renders the Council responsible or liable to any person or body for the total or partial failure of any water supply from whatever cause such failure may arise.

The **COMMON SEAL** of the  
**SELWYN DISTRICT COUNCIL**  
was hereunto affixed, in accordance  
with the Special Order made by the  
Council on 11th June 2008  
in the presence of:



[Signature] Mayor

[Signature] Chief Executive

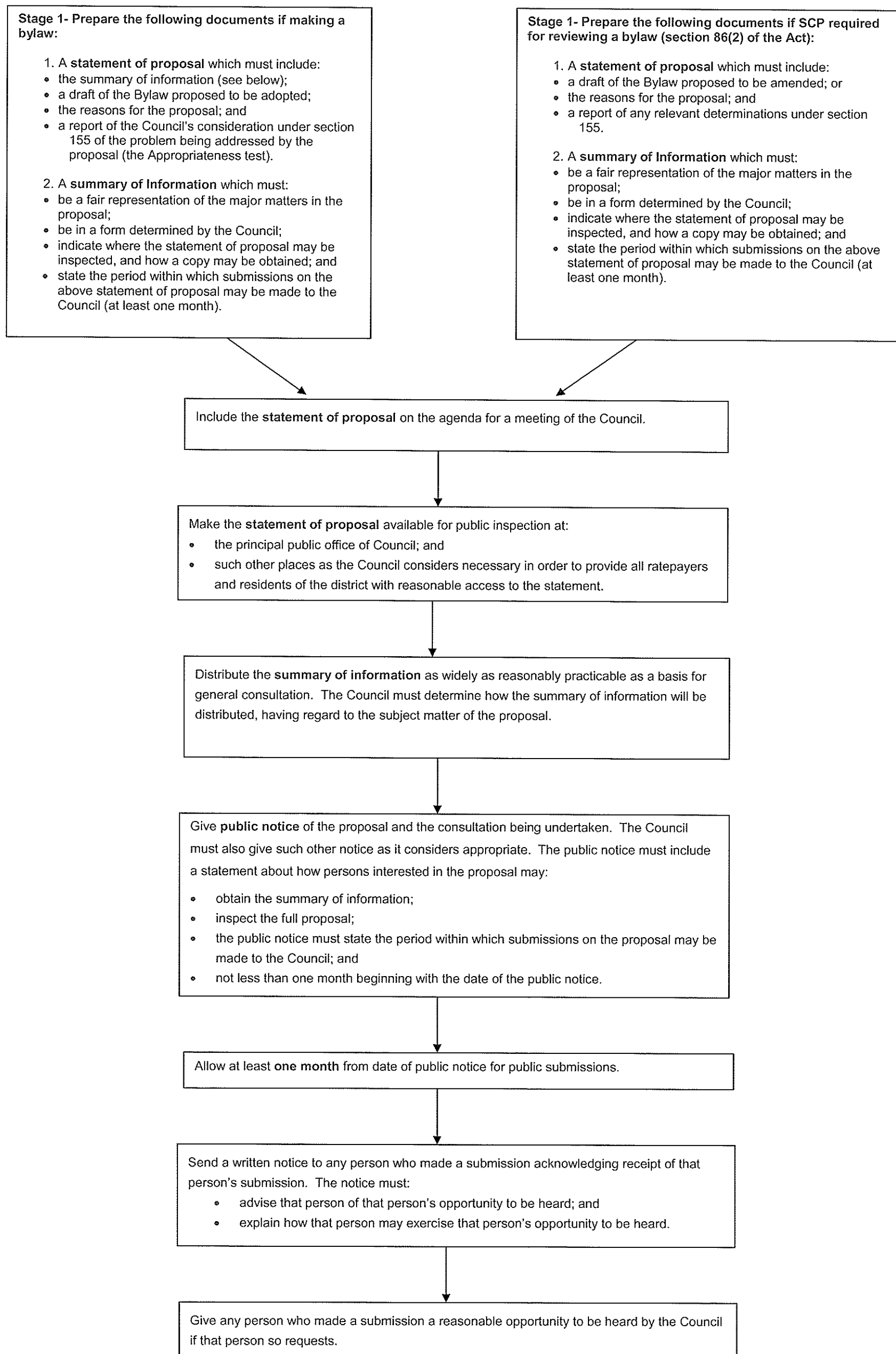
**APPENDIX TWO**

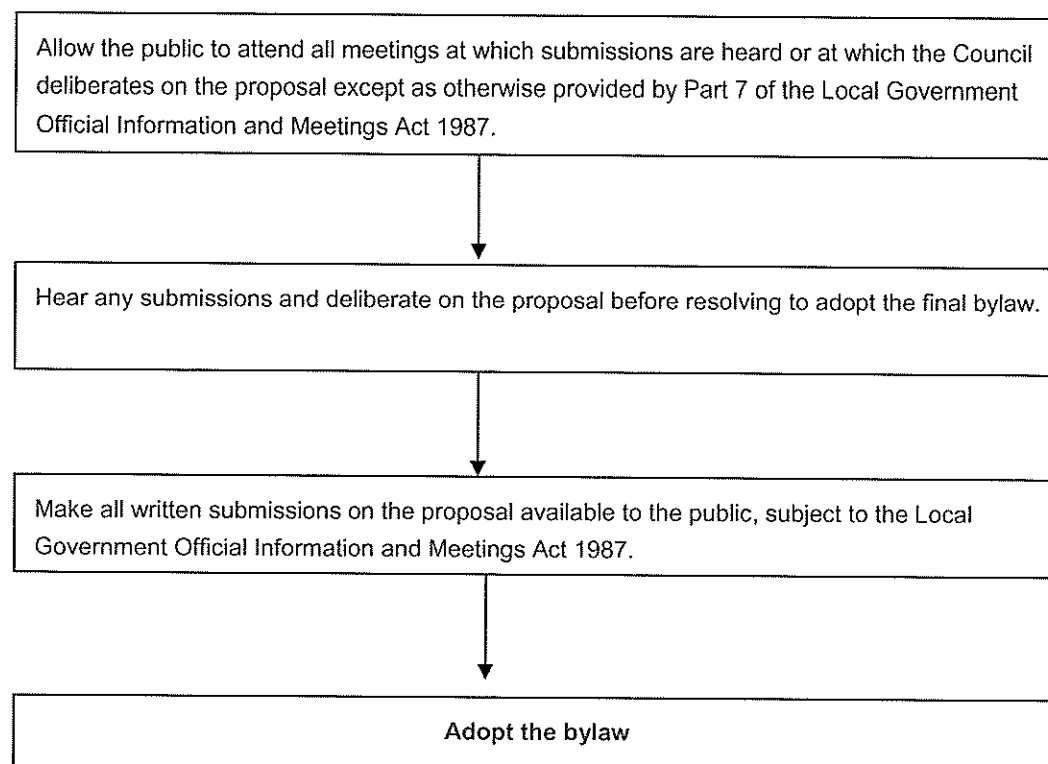
**Flowchart 2 and 3**



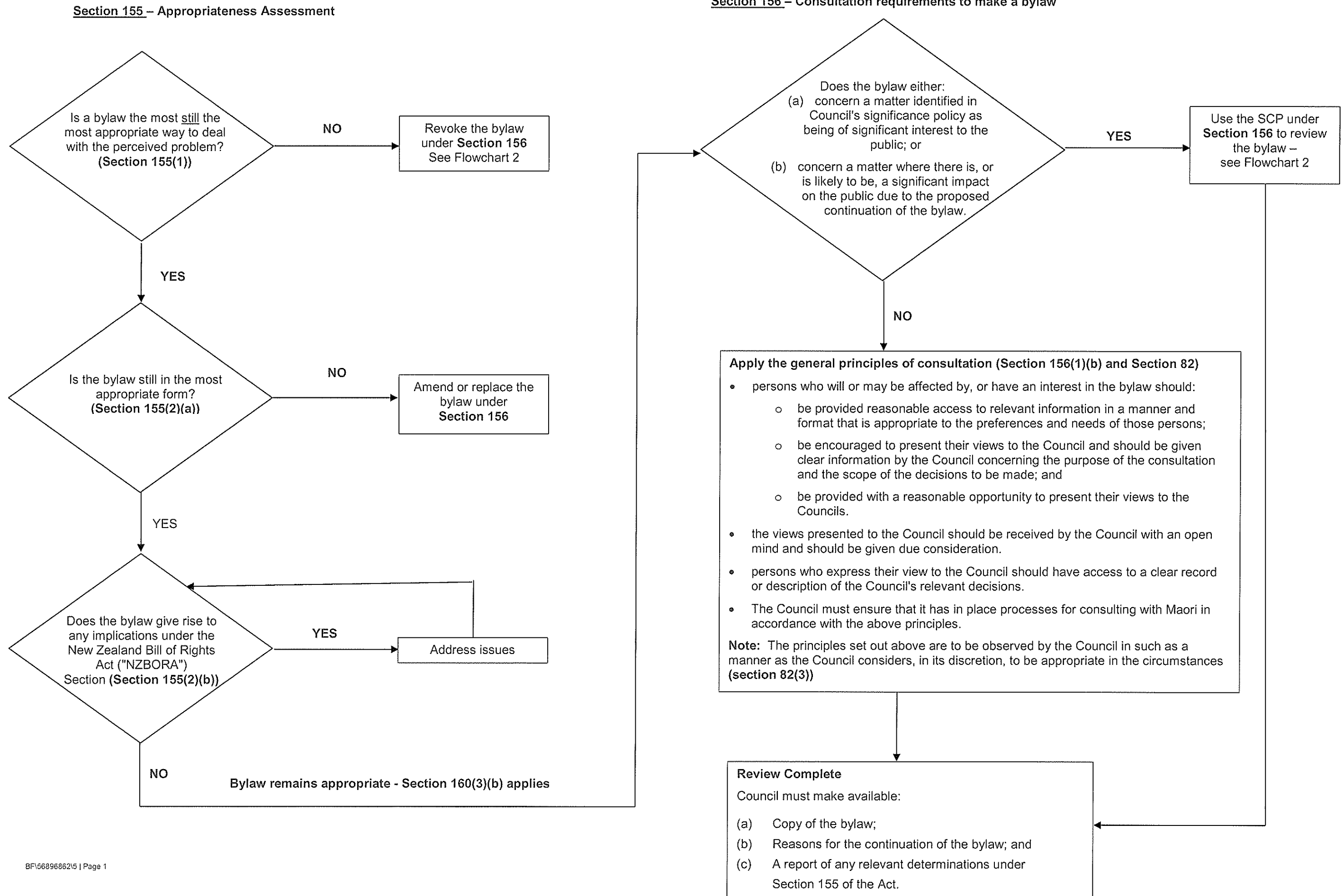
## Flowchart 2 - Special consultative procedure for making or reviewing a bylaw

Sections 83, 86, 156 and 160 of the Act





## Flowchart 3 – Overview of procedure to review a bylaw



## APPENDIX THREE

### LGA provisions

#### *Procedure for making bylaws*

#### **155 Determination whether bylaw made under this Act is appropriate**

(1AA) This section applies to a bylaw only if it is made under this Act or the [Maritime Transport Act 1994](#).

- (1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.
- (2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—
  - (a) is the most appropriate form of bylaw; and
  - (b) gives rise to any implications under the [New Zealand Bill of Rights Act 1990](#).
- (3) No bylaw may be made which is inconsistent with the [New Zealand Bill of Rights Act 1990](#), notwithstanding [section 4](#) of that Act.

Section 155 heading: amended, on 28 June 2006, by [section 16\(1\)](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 155(1AA): inserted, on 28 June 2006, by [section 16\(2\)](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 155(1AA): amended, on 23 October 2013, by [section 90](#) of the Maritime Transport Amendment Act 2013 (2013 No 84).

#### **156 Consultation requirements when making, amending, or revoking bylaws made under this Act**

- (1) When making a bylaw under this Act or amending or revoking a bylaw made under this Act, a local authority must—
  - (a) use the special consultative procedure (as modified by [section 86](#)) if—
    - (i) the bylaw concerns a matter identified in the local authority's policy under [section 76AA](#) as being of significant interest to the public; or
    - (ii) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw; and
  - (b) in any case in which paragraph (a) does not apply, consult in a manner that gives effect to the requirements of [section 82](#).
- (2) Despite subsection (1), a local authority may, by resolution publicly notified,—
  - (a) make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect—
    - (i) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or
    - (ii) an existing status or capacity of any person to whom the bylaw applies;
  - (b) convert an imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent.

Section 156: substituted, on 28 June 2006, by [section 17](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 156 heading: replaced, on 8 August 2014, by [section 48\(1\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 156(1): replaced, on 8 August 2014, by [section 48\(2\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 156(2): amended, on 8 August 2014, by [section 48\(3\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).



## **159 Further reviews of bylaws every 10 years**

A local authority must review a bylaw made by it under this Act, the [Maritime Transport Act 1994](#), or the [Local Government Act 1974](#) no later than 10 years after it was last reviewed as required by [section 158](#) or this section.

Section 159: substituted, on 28 June 2006, by [section 19](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 159: amended, on 23 October 2013, by [section 90](#) of the Maritime Transport Amendment Act 2013 (2013 No 84).

## **160 Procedure for and nature of review**

- (1) A local authority must review a bylaw to which [section 158](#) or [159](#) applies by making the determinations required by [section 155](#).
- (2) For the purposes of subsection (1), [section 155](#) applies with all necessary modifications.
- (3) If, after the review, the local authority considers that the bylaw—
  - (a) should be amended, revoked, or revoked and replaced, it must act under [section 156](#);
  - (b) should continue without amendment, it must—
    - (i) consult on the proposal using the special consultative procedure if—
      - (A) the bylaw concerns a matter identified in the local authority's policy under [section 76AA](#) as being of significant interest to the public; or
      - (B) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed continuation of the bylaw; and
    - (ii) in any other case, consult on the proposed continuation of the bylaw in a manner that gives effect to the requirements of [section 82](#).
- (4) For the purpose of the consultation required under subsection (3)(b), the local authority must make available—
  - (a) a copy of the bylaw to be continued; and
  - (b) the reasons for the proposal; and
  - (c) a report of any relevant determinations by the local authority under [section 155](#).
- (5) This section does not apply to any bylaw to which [section 10AA](#) of the Dog Control Act 1996 applies.

Section 160: substituted, on 28 June 2006, by [section 19](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 160(3)(b): replaced, on 8 August 2014, by [section 49\(1\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 160(4): amended, on 8 August 2014, by [section 49\(2\)](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

**APPENDIX FOUR**

**Reviewed Bylaw**

## **SELWYN DISTRICT COUNCIL WATER RACE BYLAW 2008**

*The Selwyn District Council makes the following bylaw pursuant to section 146 (b)(i) of the Local Government Act 2002*

### **Explanatory Note**

#### **Objectives**

*This explanatory note does not form part of this bylaw, but is intended to indicate the general effect of the provisions contained in the bylaw.*

*The primary objective of the water race network is to supply drinking water to stock animals*

*The secondary objectives of the water race network are to:*

- *provide water for firefighting services;*
- *provide water for commercial and non-commercial irrigation; and*
- *the enhancement of amenity and ecological values of the Selwyn district.*

#### **Scope**

*This bylaw is in addition to the policies and controls on water races imposed by the Canterbury Regional Council (Environment Canterbury) and the Selwyn District Council. Obtaining the Selwyn District Council's approval under this bylaw does not remove the need to obtain any consents required under the Resource Management Act 1991 or any other act, regulation or bylaw. Further, approval under this bylaw will not replace or add to existing resource consents or permitted activity status.*

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## **1. TITLE AND COMMENCEMENT**

- 1.1 This bylaw is the Selwyn District Council Water Race Bylaw 2008.
- 1.2 This bylaw was reviewed and amended in 2017 and comes into effect in its amended form on 1 January 2018.

## **2. PURPOSE**

- 2.1 The purposes of this bylaw are to:
  - (a) control the taking, use, damming and diversion of water from the Water Race Network;
  - (b) define the obligations of the Council and Owners and Occupiers to protect the Water Race Network so as to minimise damage to the Water Race Network and prevent adverse impacts on water quality;
  - (c) provide for the health and safety of the public and minimise disruptions to the supply of water from the Water Race Network; and
  - (d) protect the land, structures and infrastructure associated with Council's Water Race Network.

## **3. APPLICATION OF BYLAW**

- 3.1 This bylaw applies to Water Races within the District, and where applicable, to Water Races located on parcels of land outside of the District that are rated for stock water by the Council.
- 3.2 Nothing in this bylaw shall limit the application of any other Act, rules or regulations made under any other Act. If there any inconsistency between this bylaw and any other Act, rule or regulation, the more stringent applies.

## **4. DEFINITIONS**

- 4.1 For the purpose of this bylaw, unless the context otherwise requires:
  - (a) **"Accessories"** means all objects used in conjunction with a Water Race including all weirs, gates and valves used for regulating flow and flow metering equipment;
  - (b) **"Annual Charge(s)"** means a charge or rate levied by the Council on an annual basis (or as amended from time to time) in accordance with the Local Government Act 2002;
  - (c) **"Application Fee(s)"** means a fee accompanying an application under this bylaw as set by the Council from time to time in accordance with the Local Government Act 2002;
  - (d) **"Commercial Irrigation"** means the use of water from a Water Race for irrigation purposes (other than for Non-commercial Irrigation);
  - (e) **"Council"** means the Selwyn District Council or any Person authorised or delegated to act on its behalf;

- (f) **"Council Approval"** means approval in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;
- (g) **"Council Water Race"** means a Water Race maintained by the Council;
- (h) **"District"** means the Selwyn District, and where agreed with the Christchurch City Council, the district administered by that council;
- (i) **"Domestic Use"** means the use of any water in a residential household for domestic purposes;
- (j) **"Non-commercial Irrigation"** means watering a residential garden or shelter belt of trees using water from a Water Race:
  - (i) taking no more than 4,000 litres of water is taken per day; and
  - (ii) taken in accordance with the requirement for Non-commercial Irrigation imposed by the Water Race Policy;
- (k) **"Owner or Occupier"** means any Person, including the registered proprietor, who for the time being, is in control of the relevant land;
- (l) **"Person(s)"** means a natural person, corporation or body of persons whether corporate or otherwise;
- (m) **"Private Stock Water Race"** means a Water Race (other than a Council Water Race);
- (n) **"Water Race"** has the meaning given in the Local Government Act 2002;
- (o) **"Water Race Management Plan"** means the Selwyn District Council Water Race Management Plan (as amended from time to time);
- (p) **"Water Race Policy"** means the Council's policies which relate to Water Races as set out in the Selwyn District Council Policy Manual (as amended from time to time); and
- (q) **"Water Race Network"** means the system of Water Races.

## 5. RIGHT TO TAKE WATER

- 5.1 No Person may, whether directly or indirectly, take, divert or use any water in or from a Water Race except:
- (a) with Council Approval granted under this bylaw or any other bylaw and then only in accordance with the terms of such Council Approval including but not limited to any requirement to pay any Application Fee and Annual Charges;
  - (b) for firefighting purposes (in the case of an emergency); or
  - (c) for training and testing by the New Zealand Fire Service.

## **6. APPLICATION TO TAKE WATER**

6.1 Any Person who wishes to take water from a Water Race may apply for Council Approval. An application for Council Approval must:

- (a) be in writing;
- (b) be accompanied by the prescribed Application Fee;
- (c) describe with sufficient particularity:
  - (i) the applicant;
  - (ii) the land to be served by the water taken;
  - (iii) the Water Race from which the water will be taken;
  - (iv) the purpose or purposes for which the water will be taken;
  - (v) the method by which the water will be:
    - (1) taken (such as pipe, open drain or other method); and
    - (2) stored (in ponds, troughs, stock drinking stations or otherwise);
  - (vi) the location from which the water will be taken from the Water Race; and
  - (vii) the proposed treatment of the water.

6.2 Where construction works are proposed to enable water to be taken, the application must be accompanied by plans and specifications that adequately describe the proposed construction works.

6.3 If the Water Race is not located on the applicant's land, the application must be accompanied by written evidence of the agreement of the Owner or Occupier of the land on which the Water Race is located.

6.4 Following the receipt of a complete application under clause 6.1, the Council will, in writing, either:

- (a) grant Council Approval in relation to the application (with or without conditions); or
- (b) decline to grant Council Approval or defer the application (together with the Council's reasons for its decision).

6.5 If the Council grants Council Approval subject to conditions under clause 6.4, those conditions may include, but are not limited to, the requirement for:

- (a) approval of the construction practices or specifications in accordance with Council requirements;
- (b) supervision of construction works by the Council (at the applicant's sole cost);
- (c) use of contractors approved by the Council in respect of any work affecting a public road or other utility services (at the applicant's sole cost);



- (d) additional work to be undertaken if the Council considers such work necessary for the protection of the Water Race, other water race users, or members of the public;
- (e) limitation of the quantity of water which may be taken, rate of take and/or the times at which water may be taken;
- (f) limitation of the purposes for which water may be taken;
- (g) specification of the place or places from which water may be taken;
- (h) means by which water may be taken;
- (i) the installation of Accessories at the applicant's sole cost;
- (j) where the water taken is to be used for Commercial Irrigation, the installation of telemetry recording and transmitting abstraction data to the Council;
- (k) payment of any applicable fee;
- (l) suitable and effective treatment of water including the specification of the parameters and frequency of water quality testing suitable for the proposed use of the water in question; and
- (m) regular reporting to the Council in respect of compliance with any conditions imposed by the Council Approval.

6.6 The applicant may object to any decision of the Council made under this bylaw by giving written notice to the Council. Such notice must set out the grounds of the objection. Following receipt of a notice of objection, the Council will convene a hearing at which the objection will be heard. Notice in writing of the time and place of the hearing will be given to the objector. After hearing the objection, the Council may:

- (a) confirm its original decision;
- (b) reverse its original decision; or
- (c) impose new or varied conditions in respect of Council Approval.

6.7 If Council Approval is granted to take water from a Water Race, the Council Approval runs with the land described in the application and binds successors in title to that land.

## **7. PROHIBITED USES**

7.1 In addition to the offences set out in section 228 of the Local Government 2002, the following activities are prohibited in or near a Water Race:

- (a) recreational activities that may cross-contaminate the water including bathing or washing clothes in a Water Race;
- (b) allowing domestic fowl, be they water-fowl or otherwise, into or on a Water Race;
- (c) allowing detergents, chemicals or nutrients to enter a Water Race;
- (d) allowing back-flow from irrigation equipment to enter a Water Race;

- (e) allowing animals to enter a Water Race, except that a drinking station may be provided outside the Water Race;
- (f) carrying out any activity on land or in any building or yard which contaminates the water in the Water Race;
- (g) obstructing the flow of water in the Water Race by any means whatsoever;
- (h) allowing or causing any animal or vehicle to enter or cross a Water Race except at bridges, culverts or crossing places provided by the Council or constructed with the Council's Approval;
- (i) allowing or causing any part of any fence to remain in a Water Race;
- (j) taking or diverting water from a Water Race without Council Approval;
- (k) taking or diverting water from a Water Race in a manner which causes operational issues or interferes with the continuity of supply and free flow of water to downstream waters or upstream occupiers;
- (l) allowing water from a Water Race to be wasted by failing to adequately maintain or repair any pipe or other apparatus;
- (m) interfering with Accessories, including any regulating gate or other apparatus, or doing anything which may cause the supply of water from a Water Race to be increased or decreased without the Council Approval;
- (n) permitting a Person who does not pay Water Race rates to take water from a Water Race;
- (o) widening or deepening any Water Race or altering the course of any Water Race without Council Approval;
- (p) permitting, allowing or causing any statutory nuisance as defined under Section 29 of the Health Act 1956;
- (q) obstructing any crossing point over a Water Race;
- (r) removing, displacing, altering, damaging or interfering with any bank, dam, sluice, flume, bridge, gauge, meter, reservoir, pipe, or other work or thing used in supplying or distributing water from any Water Race;
- (s) disturbing the ground so as to uncover any culverts belonging to any Water Race or lengthening or decreasing the length of any culvert without Council Approval;
- (t) making any structure over, in, or under a Water Race without Council Approval;
- (u) sowing, planting, or allowing to grow any tree, hedge, shrub or other plant of any kind, within a distance of 3 metres of either side of a Water Race except:
  - (i) crops and pasture;
  - (ii) shrubs or plants forming any part of a live fence which are:

- (1) maintained to less than 1.5 metres in height;
- (2) sown or planted on one side of a Water Race only;
- (3) at a distance of not less than 1 metre from the edge of the Water Race; and
- (4) a strip of not less than 6 metres wide (adjacent to one side of the Water Race) must be left unplanted,  
to enable access to the Water Race by machinery or for cleaning and maintenance purposes; or
- (iii) as otherwise permitted by the terms of a Council Approval;
- (v) erecting any building or structure of any kind or size within five (5) metres of either side of any Water Race without Council Approval; and
- (w) discharging effluent into a Water Race.

## **8. OCCUPIER OR OWNER RESPONSIBILITIES**

- 8.1 The cost of maintaining and repairing any Private Stock Water Race and any Accessories located within the Private Stock Water Race is the responsibility of:
- (a) the Owner or Occupier of the land within which the Private Stock Water Race or Accessories are located;
  - (b) where the Private Stock Water Race or Accessories are located within a road or a reserve, the Owner or Occupier of the land which is contiguous to that road or reserve; or
  - (c) where the Stock Water Race or Accessories are located on or about the common boundary between land in different ownership, the Owner or Occupiers of the land in equal shares.
- 8.2 The Person(s) responsible for the cost of maintaining or repairing any Private Stock Water Race or Accessories in clause 8.1 above, is responsible for the regular inspection, repair, and maintenance and cleaning of the relevant section of the Private Stock Water Race in accordance with the Water Race Management Plan and to a standard sufficient to ensure that:
- (i) any obstruction to the free flow of water along the Water Race is removed as soon as is reasonably practicable;
  - (ii) no water is wasted by seepage or otherwise as far as is practicable; and
  - (iii) continuity of supply and free flow of water downstream is maintained at all times.
- 8.3 Where water is taken for Domestic Use, the Owner, Occupier or Person(s) taking water for Domestic Use is responsible for ensuring:
- (i) all necessary and appropriate treatment of the water is carried out; and
  - (ii) the conditions imposed pursuant to clause 6.1(c)(vii) are complied with,  
before such water is used for those purposes.

## **9. CLEANING**

### **9.1 Private Stock Water Race Cleaning**

In addition to their obligations in clause 8, the Owners or Occupiers of land through which a Private Stock Water Race runs must, at their own cost, keep and maintain the Private Stock Water Race, including the sides and the banks, in such a condition to ensure a continuous flow preventing any overflow, leakage, or wastage of water to property or roads and, without limiting the generality of the foregoing, shall, remove:

- (a) any vegetation on the banks of the Private Stock Water Race; and
- (b) silt, sand and weed that has been deposited in the bottom of the Private Stock Water Race, which may otherwise reduce the waterway area, inhibit the free flow of water downstream or cause the water velocity to slow.

### **9.2 Removal of Matter and Debris**

- (a) All matter or debris deposited as part of the cleaning of a Water Race must be removed by the Owner or Occupier of the land through which that Water Race runs, at the time that cleaning is undertaken, or as soon as practicable thereafter.
- (b) The cost of the removal of that matter and debris will be borne by the Owner or Occupier of the land through which that Water Race runs.
- (c) The Owner or Occupier shall:
  - (i) take all reasonable steps to prevent any matter or debris removed from the Water race from re-entering the Private Stock Water Race;
  - (ii) allow access to the Private Stock Water Race by machinery used to clean the Private Stock Water Race; and
  - (iii) enforce a traffic management plan which has been approved by the Council in advance where cleaning or maintenance of the Private Stock Water Race requires working within a road reserve.

## **10. DIVERTING WATER**

10.1 No Person may divert water from a Water Race to keep a pond or reservoir on their land filled unless Council Approval has been granted.

10.2 If Council Approval is granted to divert water from a Water Race for the purposes of filling a pond or reservoir, the person carrying out the diversion and the Owner or Occupier of the land on which the pond or reservoir is situated must ensure that:

- (a) the pond or reservoir is watertight and lined with impervious material;
- (b) the intake and outlet of the pond or reservoir is able to be shut off as required to ensure compliance with water restrictions or resource consent conditions;

- (c) an outfall is provided from the pond or reservoir such that any overflow flows back to the Water Race, at the same water level as the Water Race; and
- (d) the water level of the Water Race is not reduced for the purpose of creating a pond or reservoir.

10.3 No Person may construct a dam to raise the water level in the Water Race for the purpose of creating a pond or reservoir without Council Approval.

## **11. EXISTING OBSTRUCTIONS**

11.1 If, at any time there are obstructions, including but not limited to:

- (a) trees, hedges, plants or shrubs of any kind, growing or dead and in the form of nature, stumps or otherwise, situated contrary to the provisions of this bylaw and irrespective of how, when or by what means they came to be there; or
- (b) structures, pipes, pumps, buildings, yards or ponds which are situated contrary to the provisions of this bylaw,

and, in the opinion of the Council, such obstructions interfere with the flow of the water, adversely impact downstream users or upstream occupiers or create excessive maintenance issues in any Water Race, the Council may require the Owner or Occupier of the land on which the obstructions are located to remove those obstructions by giving notice accordingly.

11.2 An Owner or Occupier who objects to a requirement to remove an obstruction will be given an opportunity to be heard by the Council regarding that objection.

11.3 If, having heard the objection, the Council confirms its opinion that the obstruction must be removed, it will notify the owner or occupier accordingly and will consider whether compensation is payable to the Owner or Occupier.

11.4 If, after an objection has been heard and the Council has given notice in accordance with clause 11.1, an owner or occupier fails to remove an obstruction within a reasonable timeframe the Council may take action pursuant to these bylaws.

## **12. EXTRA OR ABNORMAL SUPPLIES**

12.1 The Council may, at its discretion, grant an extra supply of water from a Water Race for special purposes, including fire fighting, or for purposes not otherwise authorised by this bylaw, at a cost to be established by the Council at the time of an application for such extra supply. Such cost may be varied from time to time.

## **13. POWERS OF THE COUNCIL**

13.1 The Council may, pursuant to the powers vested in it under the Local Government Rating Act 2002 and the Local Government Act 2002, vary or remove Annual Charges levied for the maintenance and operation of the Water Race System.

- 13.2 The Council may alter the basis or manner or scale on which any or all such Annual Charges are to be assessed as it sees fit in accordance with the powers vested in it.
- 13.3 The Council may impose restrictions on taking water from time to time.
- 13.4 Where a Person is lawfully entitled to take water from a Water Race for any purpose other than for stock drinking water, including but not limited to irrigation, the Council may impose a charge.
- 13.5 Nothing in this bylaw limits the entitlement of the Council to levy a rate to recover the cost incurred in maintaining and operating any Water Race.
- 13.6 The Council may perform its obligations and exercise its rights under these bylaws or otherwise in relation to the Water Race Network through its nominated agents, employees or contractors, or the Agent, as the Council determines from time to time.

#### **14. BREACHES OF THIS BYLAW**

- 14.1 Every Person commits an offence who -
- (a) defaults in payment of any rate imposed on their land in respect of the supply of stock water or irrigation water;
  - (b) fails to do or perform any act, or thing, that he or she is required to do by these bylaws;
  - (c) permits, allows, or does, any of the acts that are prohibited in this bylaw;
  - (d) fails to comply with his or her water supply agreement with the Council; or
  - (e) breaches this bylaw.

#### **15. PENALTIES**

- 15.1 Every Person who contravenes this bylaw is liable to a penalty not exceeding \$20,000 or other such amount as may be provided for under sections 239 and 242 of the Local Government Act and is liable to enforcement action by the Council.
- 15.2 In addition to any penalty imposed by any court for a breach of this bylaw, the Council may sue for and recover from any Person, the cost of damage done or caused to a water race or associated works, or in respect of any water unlawfully taken or diverted or wasted or lost due to any failure to comply with this bylaw.

#### **16. SAVINGS**

- 16.1 Nothing in this bylaw is an undertaking or guarantee by the Council that it will provide water in any Water Race either at all, or to any quantity or to any specified quality.
- 16.2 Nothing in this bylaw renders the Council responsible or liable to any Person or body for the total or partial failure of any water supply from whatever cause such failure may arise.

**APPENDIX FIVE**

**Compare against the original bylaw.**



## SELWYN DISTRICT COUNCIL WATER RACE BYLAW 2008

### 1. ~~TITLE:~~

~~This bylaw is made by the~~

1.1 ~~The~~ Selwyn District Council makes the following bylaw pursuant to ~~the powers and authority vested in the Council by Section~~ section 146 (b)(i) of the Local Government Act 2002. ~~This bylaw shall be known as the Selwyn District Council Water Race Bylaw 2008.~~

### Explanatory Note

#### Objectives

This explanatory note does not form part of this bylaw, but is intended to indicate the general effect of the provisions contained in the bylaw.

~~The primary~~ purpose/objective of the water race ~~system~~ network is to ~~provide~~ supply drinking water ~~for farm to stock~~ animals. ~~Some properties also use~~

~~The secondary objectives of the water race system as an untreated domestic water supply. Secondary purposes of the network are to:~~

- ~~• provide water for firefighting services;~~
- ~~• provide water race system are for commercial and non-commercial irrigation (where permitted by the Council), fire fighting and; and~~

1.2 ~~the~~ enhancement of amenity and ecological values of the Selwyn district.

~~The activities governed by this Bylaw, including the taking, use, damming and diversion of water, may also be subject to regional rules in the Waimakariri River Regional Plan and the Proposed Natural Resources Regional Plan for Canterbury. Compliance with this Bylaw does not imply compliance with regional rules and a resource consent may be required.~~

~~Land use close to water races that may contaminate water quality and other activities involving discharges into water races are subject to rules in the Proposed Natural Resources Regional Plan for Canterbury, and the Selwyn District Plan. Resource consent may be required for those activities.~~

1.3 ~~The Council also has policies which it uses as part of the management of the water races; they do not form part of these bylaws but should be consulted by any person interested in the management of the water races.~~

### 2. ~~DATE OF COMMENCEMENT~~

#### Scope

This bylaw is in addition to the policies and controls on water races imposed by the Canterbury Regional Council (Environment Canterbury) and the Selwyn District Council. Obtaining the Selwyn District Council's approval under this bylaw does not remove the need to obtain any consents required under the Resource Management Act 1991 or any other act, regulation or bylaw. Further, approval under this bylaw will not replace or add to existing resource consents or permitted activity status.

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## 1. TITLE AND COMMENCEMENT

1.1 This bylaw is the Selwyn District Council Water Race Bylaw 2008.

~~2.4.1.2~~ This bylaw was reviewed and amended in 2017 and comes into ~~force~~ effect in its amended form on ~~the 1 July 2008~~ January 2018.

## ~~3. REPEALS~~

## 2. PURPOSE

2.1 The ~~Selwyn District Council~~ purposes of this bylaw are to:

- (a) control the taking, use, damming and diversion of water from the Water Race ~~By-law 2000 is hereby repealed~~ Network;
- (b) define the obligations of the Council and Owners and Occupiers to protect the Water Race Network so as to minimise damage to the Water Race Network and prevent adverse impacts on water quality;
- (c) provide for the health and safety of the public and minimise disruptions to the supply of water from the Water Race Network; and
- ~~(a)~~ (d) protect the land, structures and infrastructure associated with Council's Water Race Network.

## ~~4.3.~~ APPLICATION OF BYLAW

3.1 This bylaw applies ~~throughout Selwyn to Water Races within the~~ District, and ~~includes properties where applicable, to Water Races located on parcels of land outside of the District~~ that are rated for stock water ~~outside of the Selwyn District boundary~~ by the Council.

~~4.4.3.2~~ Nothing in this bylaw shall limit the application of any other Act, rules or regulations made under any other Act. If there any inconsistency between this bylaw and any other Act, rule or regulation, the more stringent applies.

## ~~5.4.~~ DEFINITIONS

~~5.14.1~~ For the purpose of this bylaw, unless the context otherwise requires; ~~References to a repealed enactment include its replacement.~~

~~'Agent' means any person or body authorised by the Council to maintain and administer the water race system~~

(a) "Accessories" means all objects used in conjunction with a Water Race ~~and includes, where the context so requires, including~~ all weirs, gates and valves used for regulating flow; and flow metering equipment ~~"Agreement"~~.

(b) "Annual Charge(s)" means a charge or rate levied by the Council on an annual basis (or as amended from time to time) in accordance with the Local Government Act 2002;

(c) "Application Fee(s)" means a ~~written agreement between the landowner and the Council giving permission to do something within the water race system.~~ fee accompanying an application under this bylaw as set by the Council from time to time in accordance with the Local Government Act 2002;

~~"Bylaw" means this bylaw as altered, varied or amended from time to time~~

(d) "Commercial Irrigation" means the use of water from a Water Race for irrigation" ~~means irrigation using water supplied from a water race for a fee paid to the~~ purposes (other than for Non-commercial Irrigation);

"Council"

(e) "Council" means the Selwyn District Council or any ~~person~~ Person authorised or delegated to act on its behalf;

(f) "Council Approval" means approval in writing by the Council, either by resolution of the Council or by any officer of the Council authorised ~~to exercise the authority of the Council, or its agent~~ for that purpose;

(g) "Council water race" "Water Race" means a ~~water race that is on land under the control of~~ Water Race maintained by the Council";

(h) "District" means the Selwyn District, and ~~whereby agreement~~ where agreed with the Christchurch City Council ~~"Existing, the district administered by that council;~~

(i) "Domestic Use" means the use of any ~~right to take water from in~~ a Water Race ~~where;~~ residential household for domestic purposes;

(a) ~~That right was lawfully established at the commencement of this bylaw; and~~

(b) ~~The quantity of water taken and use of the water is the same or similar to that which existed before the commencement of this bylaw.~~

~~"Farm stock water race" means a race on land that is not under control of the Council.~~

~~"Maintenance" means cleaning and maintaining the water race system in accordance with the Water Race Management Plan~~

(j) "Non-commercial irrigation" "Irrigation" means watering a residential garden or shelter belt of trees using water from a ~~water race~~ Water Race;

(i) ~~"taking no more than 4,000 litres of water is taken per day; and~~

(ii) taken in accordance with the requirement for Non-commercial Irrigation imposed by the Water Race Policy;

(k) "Owner or Occupier" means ~~the owner or occupier of land recorded as such in the valuation roll~~ any Person, including the registered proprietor, who for the time being, is in control of the relevant land;

(l) "Person(s)" means a natural person, corporation or body of persons whether corporate or otherwise;

(m) "Private Stock Water Race" means a Water Race (other than a Council Water Race):

(n) "Water Race" has the meaning given in the Local Government Act 2002:

"Water Race Management Plan" means the Selwyn District

~~"Rural agricultural drinking water supply" has the same meaning as in the Health [Drinking Water] Amendment Act 2008~~

~~"Water race" has the same meaning as in the Local Government Act 2002~~

(o) "Council Water Race Management Plan" means the Water Race Management Plan authorised by the Council and altered or (as amended by the Council from time to time. It is available from the Council on request):

(p) "Water Race Policy" means the Council's policies which relate to Water Races as set out in the Selwyn District Council Policy Manual (as amended from time to time); and

(q) "Water Race Management Plan "Water Race System" Network" means the system of water races having its origins at: Water Races.

~~Earl's Intake on the Rakaia River, grid reference NZMS 260 L35: 2413-5732, and~~

~~Lower Rakaia Intake on the Rakaia River, grid reference NZMS 260 L35: 2436-5717, and~~

~~Paparua Intake located on the Waimakariri River, grid reference NZMS 260 L35: 2453-5748, and~~

~~Lower Kowai Intake located on the Kowai River, grid reference NZMS 260 L35: 1781-6347, and~~

~~Upper Kowai Intake located on the Kowai River, grid reference NZMS 260 L35: 1687-6299, and~~

~~Waimakariri Gorge Intake located on the Waimakariri River, grid reference NZMS 260 L35: 3297-6054, and~~

~~Glentunnel Intake located on the Selwyn River, grid reference NZMS 260 L35: 2479-6478, and~~

~~Haldon Intake, located on the Hororata River, grid reference NZMS 260 L35: 2429-5737, and~~

~~any other source of supply from which the Council may take water for water races, including water races and any tail race, branch, artificial or natural channel connected to a water race and channels which are wholly or partially supplied with water from a water race, other than those channels into which water is spilled when that water is no longer required for operation of the water race system.~~

## **6.5. 6. RIGHT TO TAKE WATER**

**6.15.1** No ~~person~~Person may, whether directly or indirectly, take, divert or use any water in or from a Water Race except:

~~(a) Pursuant to a lawfully established existing use, or~~

~~(b) With the agreement of the with Council, Approval granted under this bylaw or any other bylaw; and~~

~~(c)~~(a) Upon the payment of annual charges that may be determined from time and then only in accordance with the terms of such Council Approval including but not limited to any requirement to time by the Council: or pay any Application Fee and Annual Charges;

~~(d)(b)~~ In for firefighting purposes (in the case of an emergency, for fire fighting); or

~~(e)(c)~~ The for training and testing by the New Zealand Fire Service for the purposes of training and testing.

## 6. APPLICATION TO TAKE WATER

~~6.26.1~~ Any ~~person~~ Person who wishes to take water from a ~~water race~~ Water Race may apply ~~to the~~ for Council ~~for permission to take water. Such~~ Approval. An application; ~~for Council Approval must:~~

~~(a)~~ Must be in writing, ~~and:~~

~~(a)(b)~~ be accompanied by the prescribed ~~application fee.~~ Application Fee:

~~(b)(c)~~ Must describe with sufficient particularity:

(i) ~~The~~ the applicant;

(ii) ~~The~~ the land to be served by the water taken;

(iii) ~~The~~ the Water Race from which the water will be taken;

(iv) ~~The~~ the purpose or purposes for which the water will be taken;

~~(v)~~ The the method by which the water will be:

~~(v)(1)~~ taken (such as pipe, open drain or other method) ~~by which water will be taken);~~  
and

~~(2)~~ The place stored (in ponds, troughs, stock drinking stations or ~~places in~~  
otherwise);

~~(vi)~~ the ~~Water Race~~ location from which the water will be taken ~~from the Water Race;~~  
and

~~(ii)(vii)~~ the proposed treatment of the water.

~~6.36.2~~ Where construction works are proposed to enable water to be taken, the application must be accompanied by plans and specifications ~~which~~ that adequately describe the proposed ~~work~~ construction works.

~~6.46.3~~ If the Water Race ~~from which water is to be taken~~ is not located on the applicant's land, the application must be accompanied by written evidence of the agreement of the ~~owner~~ Owner or ~~occupier~~ Occupier of the land on which the ~~water race~~ Water Race is located.

~~6.56.4~~ ~~Within 15 working days of~~ Following the receipt of a complete application under clause 6.1, the Council will, in writing, either:

(a) ~~Grant~~ grant Council Approval in relation to the application, ~~(with or without conditions);~~ or

(b) ~~Decline~~ decline to grant Council Approval or defer the application, ~~and give~~ (together with the Council's reasons for its decision~~).~~

~~6.6~~ Notwithstanding Clause 6.5, if the water is required urgently and no other sources of water supply are accessible to the applicant, the application will be assessed and given priority by the Council.

~~6.7~~ ~~6.5~~ When granting an application If the Council grants Council Approval subject to conditions, under clause 6.4, those conditions may include, but are not limited to, the ~~following~~ requirement for:

- (a) ~~Approval~~ approval of the construction practices or specifications in accordance with Council requirements;
- (b) ~~Requiring the~~ supervision of construction works by the Council ~~with~~ (at the applicant's sole cost of such supervision to be met by the applicant);
- (c) ~~Requiring the~~ use of contractors approved by the Council, ~~at the applicant's expense~~, in respect of any work affecting a public road or other utility services (at the applicant's sole cost);
- (d) ~~Requiring~~ additional work to be undertaken if the Council considers such work necessary for the protection of the Water Race, other water race users, or members of the public;
- (e) ~~Limiting~~ limitation of the quantity of water which may be taken, ~~rate of take~~ and/or the times at which water may be taken;
- (f) ~~Limiting~~ limitation of the purposes for which water may be taken;
- (g) ~~Specifying~~ specification of the place or places from which water may be taken;
- (h) Requiring means by which water may be taken;
- ~~(h)~~ (i) the installation of ~~accessories relevant to the application~~ Accessories at the applicant's ~~expense, or sole cost;~~
- (j) Requiring where the water taken is to be used for Commercial Irrigation, the installation of telemetry recording and transmitting abstraction data to the Council;
- (k) payment of fees any applicable fee;
- (l) suitable and effective treatment of water including the specification of the parameters and frequency of water quality testing suitable for the proposed use of the water in question; and
- ~~(i)~~ (m) regular reporting to the Council in respect of compliance with any conditions imposed by the Council Approval.

~~6.8~~ ~~6.6~~ The applicant may object to any decision of the Council made under this bylaw by giving written notice ~~in writing~~ to the Council. Such notice must set out the grounds of the objection. ~~Within 20 working days of receiving~~ Following receipt of a notice of objection, the Council will convene a hearing at which the objection will be heard. ~~Not less than 5 working days notice~~ Notice in writing of the time and place of the hearing will be given to the objector. After hearing the objection, the Council may:

- (a) ~~Confirm the~~ confirm its original decision; ~~or~~

- (b) ~~Reverse the~~reverse its original decision; ~~and/or~~
- (c) ~~Impose~~impose new or varied conditions in respect of Council Approval.

~~6.96.7~~An agreement~~If Council Approval is granted~~ to take water from a ~~water race, when granted,~~Water Race, the Council Approval runs with the land described in the application and binds successors in title to that land.

#### ~~6.10~~ **Commercial Irrigation**

~~Upon written approval of the Council, water may be taken for commercial irrigation from water races in the Paparua Scheme that have been designated as irrigation water races or combined stock water and irrigation water races.~~

#### ~~6.11~~ **Non Commercial Irrigation**

~~Upon written approval of the Council, water may be taken from water races for non-commercial irrigation of domestic gardens, provided;~~

- ~~(a) — no more than 4,000 litres of water is taken per day,~~
- ~~(b) — water is taken in accordance with the water race policy, and~~
- ~~(c) — the application fee as determined from time to time is paid.~~

~~6.12~~ Upon written approval of the Council, water may be taken from water races for non-commercial irrigation of shelter belts, provided;

- ~~(a) — no more than 4,000 litres of water is taken per day,~~
- ~~(b) — water is taken in accordance with the water race policy, and~~
- ~~(c) — the application fee as determined from time to time is paid.~~

### ~~7.~~ **EMERGENCY**

~~7.1~~ In the case of a fire emergency, water may be taken from water races for fire fighting purposes without the need to first obtain permission from the Council.

### ~~8.7.~~ **PROHIBITED USES**

~~The~~In addition to the offences set out in section 228 of the Local Government 2002, the following ~~uses of a water race~~activities are prohibited;

~~8.17.1~~ No person(s) may bathe or wash clothing or other things in a ~~water race~~or near a Water Race:

~~(a)~~ Allowing recreational activities that may cross-contaminate the water including bathing or washing clothes in a Water Race;

~~8.2~~(b) allowing domestic fowl, be they water-fowl or otherwise, into or on a ~~water race~~Water Race;

~~8.3~~(c) Allowingallowing detergents, chemicals or nutrients to enter a ~~water race~~Water Race;



8.4(d) ~~Allowing backflow~~ allowing back-flow from irrigation equipment to enter a ~~water race~~ Water Race;

8.5(e) ~~Allowing~~ allowing animals to enter a ~~water race~~ Water Race, except that a drinking station may be provided outside the ~~water race~~ Water Race;

8.6(f) ~~Carrying~~ carrying out any activity on land or in any building or yard which contaminates the water in the ~~water race~~ Water Race;

8.7(g) ~~Obstructing~~ obstructing the flow of water in the ~~water race~~ Water Race by any means whatsoever;

8.8(h) ~~Allowing~~ allowing or causing any animal or vehicle to enter or cross a ~~water race~~ Water Race except at bridges, culverts or crossing places provided by the Council or constructed with the Council's ~~written approval~~ Approval;

8.9(i) ~~Allowing~~ allowing or causing any part of any fence to remain in a ~~water race~~ Water Race;

(j) ~~Taking~~ taking or diverting water from a Water Race without Council Approval;

8.10(k) ~~taking~~ or diverting water from a ~~water race without~~ Water Race in a manner which causes operational issues or interferes with the prior-written agreement continuity of the ~~Council~~ supply and free flow of water to downstream waters or upstream occupiers;

8.11(l) ~~Allowing~~ allowing water from a ~~water race~~ Water Race to be wasted by failing to adequately maintain or repair any pipe or other apparatus;

8.12(m) ~~Interfering~~ interfering with Accessories, including any regulating gate or other apparatus, or doing anything which may cause the supply of water from a ~~water race~~ Water Race to be increased or decreased without the ~~written approval of the Council~~ Approval;

8.13(n) ~~Permitting~~ permitting a ~~person~~ Person who does not pay ~~water race~~ Water Race rates to take water from a ~~water race~~ Water Race;

8.14(o) ~~Widening~~ widening or deepening any ~~water race~~ Water Race or altering the course of any ~~water race~~ Water Race without the ~~written approval of the Council~~ Approval;

8.15(p) ~~Permitting~~ permitting, allowing or causing any ~~Statutory Nuisance~~ statutory nuisance as defined under Section 29 of the Health Act 1956;

8.16(q) ~~Obstructing~~ obstructing any crossing point over a ~~water race~~ Water Race;

8.17(r) ~~Removing~~ removing, displacing, altering, damaging or interfering with any bank, dam, sluice, flume, bridge, gauge, meter, reservoir, pipe, or other work or thing used in supplying or distributing water from any ~~water race~~ Water Race;

8.18(s) ~~Disturbing~~ disturbing the ground so as to uncover any culverts belonging to any ~~water race~~ Water Race or lengthening or decreasing the length of any culvert without the ~~written authority of the Council~~ Approval;

8.19(t) ~~Making~~making any structure over, in, or under a ~~water race unless approved by the~~Water Race without Council Approval;

8.20(u) ~~Sowing~~sowing, planting, or allowing to grow any tree, hedge, shrub or other plant of any kind, within a distance of 3 metres of either side of a ~~water race~~Water Race except:

(a)(i) ~~Crops~~crops and pasture ~~are permitted; and~~;

(ii) ~~Shrubs~~shrubs or plants forming any part of a live fence ~~and which are~~;

(1) ~~maintained to less than 1.5 metres in height may be~~;

(2) ~~sown or planted on one side of a water race~~Water Race only;

(b)(3) ~~at a distance of not less than 1 metre from the edge of the water race~~Water Race; and

(4) ~~A~~A strip, ~~at least of not less than~~ 6 metres wide, ~~must be left unplanted~~  
(adjacent to one side of the ~~water race~~Water Race) ~~must be left unplanted~~;

(e) ~~to enable access to the water race for~~Water Race by machinery ~~used or~~  
for cleaning ~~and maintenance purposes; or~~

(d)(iii) ~~Asas~~ otherwise ~~approved~~permitted by the ~~terms of a~~ Council ~~Approval~~;

8.24(v) ~~Erecting~~erecting any building or structure of any kind or size within ~~ten five (5)~~ metres of either side of any ~~water race~~Water Race without ~~the written authorisation of the~~ Council ~~Approval; and~~

8.22(w) ~~Discharging~~discharging effluent into a ~~water race~~Water Race.

## **9.8. COUNCIL OCCUPIER OR OWNER RESPONSIBILITIES**

9.1 ~~Notwithstanding anything to the contrary in this bylaw, the Council is responsible for the maintenance and repair of:~~

(a) ~~The Water Races classified as Council water races and listed in Plan 006/000/WR (Malvern), 007/000/WR (Paparua), 008/000/WR (Ellesmere);~~

(b) ~~Accessories located within any of the water races listed in Plan 002/000/WR (Malvern), 003/000/WR (Paparua) and 004/000/WR (Ellesmere);~~

(c) ~~Any weir, gate, or valve located in any water race where more than one property is served by the water race downstream of that weir, gate or valve.~~

9.28.1 ~~Except as provided in clause 9.1, the cost of maintaining and repairing any water race or accessory~~Private Stock Water Race and any Accessories located within the Private Stock Water Race is the responsibility, ~~as the circumstances require, of either of:~~

(a) ~~The owner~~the Owner or ~~occupier~~Occupier of the land within which the ~~water race~~Private Stock Water Race or Accessories are located;

(a) ~~where the Private Stock Water Race or accessory is located; or~~

(b) ~~Where the water race or accessory is~~ Accessories are located within a road or a reserve, the ~~owner~~ Owner or ~~occupier~~ Occupier of the land which is contiguous to that road or reserve; or

(c) ~~Where~~ where the ~~water race~~ Stock Water Race or ~~accessory is~~ Accessories are located on or about the common boundary between land in different ownership, the ~~owners~~ Owner or Occupiers of the land in equal shares.

9.3—The ~~person~~ Person(s) ~~nominated in 9.2~~ responsible for the cost of maintaining or repairing any Private Stock Water Race or Accessories in clause 1.1 above, is responsible for the regular inspection, repair,

and maintenance, and cleaning of the relevant section of the ~~water race~~ Private Stock Water Race in accordance with the Water Management Plan and to a standard

8.2 sufficient to ensure that:

(a) (i) ~~Any~~ any obstruction to the free flow of water along the ~~water race~~ Water Race is removed as soon as is reasonably practicable;

(b) (ii) ~~As far as is practicable,~~ no water is wasted by seepage or otherwise; as far as is practicable; and

(c) (iii) ~~Continuity~~ continuity of supply and free flow of water downstream is maintained at all times.

(b) Where water is taken for Domestic Use, the Owner, Occupier or Person(s) taking water for Domestic Use is responsible for ensuring:

(i) all necessary and appropriate treatment of the water is carried out; and

(ii) the conditions imposed pursuant to clause 6.1(c)(vii) are complied with,

before such water is used for those purposes.

## **10.9. CLEANING**

### **10.19.1 ~~Farm Stockwater~~ Private Stock Water Race Cleaning**

(a) In addition to ~~Clauses 9.2 and 9.3 the owners or occupiers~~ their obligations in clause 8, the Owners or Occupiers of land through which a ~~farm stockwater race~~ Private Stock Water Race runs must, at their own cost, keep and maintain the ~~water race in good order~~ Private Stock Water Race, including the sides and the banks, in such a condition to ensure a continuous flow preventing any overflow, leakage, or wastage of water to property or roads. ~~and, without limiting the generality of the foregoing, shall, remove:~~

10.2(a) ~~Other~~ any vegetation on the banks of the Private Stock Water Race ~~Cleaning; and~~

(a) ~~Council water races are cleaned by the Council.~~

(b) silt, sand and weed that has been deposited in the bottom of the Private Stock Water Race,

which may otherwise reduce the waterway area, inhibit the free flow of water downstream or cause the water velocity to slow.

#### **10.39.2 Removal of Matter and Debris**

(a) All matter or debris deposited as part of the cleaning of a ~~water race~~Water Race must be removed by the ~~owner~~Owner or ~~occupier~~Occupier of the land through which that ~~water race~~Water Race runs, at the time that cleaning is undertaken, or as soon as practicable thereafter;~~and.~~

(b) The cost of the removal of that matter and debris will be borne by the ~~owner~~Owner or ~~occupier~~Occupier of the land through which that ~~water race~~Water Race runs;~~and.~~

(c) The ~~owner~~Owner or ~~occupier~~will Occupier shall:

~~(c)(i)~~ (i) take all reasonable steps to prevent any matter or debris removed from the ~~water~~Water race from re-entering the ~~water race;~~ and Private Stock Water Race;

~~(c)(ii)~~ (ii) ~~Allow~~allow access to the ~~water race~~Private Stock Water Race by machinery used to clean the ~~water race.~~Private Stock Water Race; and

~~(e) — When working within road reserve enforce a traffic management plan will be required. The person undertaking the work will obtain this approval prior to any work being carried out.~~

#### **10.4 — Maintaining, Cleaning and/or Improving the Races**

~~(a) — (a) When the Council clears, cleans, renovates or improves any part of a water race or any land adjoining a water race, it may deposit any matter removed on any part of the land adjacent to the water race, except where the land is a formed public road.~~

~~(b) — When working within road reserve a traffic management plan will be required. The person undertaking the work will obtain this approval prior to any work being carried out.~~

~~(c)(iii)~~ (iii) All such matter or debris depositedwhich has been approved by the Council ~~must~~ be placed in ~~such a manner as to prevent the matter re-entering the water race and to allow access to the water race by machinery used for~~ advance where cleaning or maintenance of the Private Stock Water Race requires working within a road reserve.

~~(d) — If material cleaned from a water race is to be deposited in an area where grass is regularly mown, the Council will notify the owner or occupier of the land 48 hours prior to cleaning work being commenced,~~

~~(e) — Material cleaned from Council water races adjacent to a road and deposited in an area of the road verge which is regularly mown will be removed for a length of 50 metres. Removal of any additional material is at the cost of the owner or occupier of the land.~~

~~(f) — With the prior agreement of the Council, the owners or occupiers of land through which a water race runs may develop or implement a management plan to enhance that water race~~

for ecological purposes. Where the Council gives its approval, and such a plan is implemented, that section of the water race will be listed by the Council in the Water Race Management Plan.

## **11. ~~11~~ FAILURE TO REPAIR OR CLEAN A WATER RACE**

~~11.1 Pursuant to s.182 of the Local Government Act 2002, if an owner or occupier of land fails to comply with any provision of this bylaw, having been required to do so in writing by the Council, the Council may enter onto the land, make good such failure, and charge the owner or occupier for any costs incurred.~~

~~11.2 Notwithstanding 11.1, if following a complaint of lack of water or flooding, the Council discovers an obstruction which is capable of an immediate remedy, the Council may, without notice to the owner or occupier of the land upon which the obstruction is located:~~

- ~~(a) Forthwith remove that obstruction; and~~
- ~~(b) Require the owner or occupier of that land to pay an "obstruction removal fee" the amount of which may be prescribed by the Council from time to time.~~
- ~~(c) An obstruction removal fee when charged is a debt due from the owner or occupier of the land and the Council may take action to recover such debt without further notice, if the debt remains unpaid after 1 calendar month.~~

## **~~12.~~10. DIVERTING WATER**

~~12.4~~10.1 ~~The Council~~ No Person may ~~grant permission to~~ divert water from a ~~water race~~Water Race to ~~keep~~ a pond or reservoir ~~provided that: on their land filled unless Council Approval has been granted.~~

- ~~(a) (a) No person may~~ If Council Approval is granted to divert water from a ~~water race unless the Council has issued an agreement to do so in writing. Such an agreement may be revoked by the Council after giving three months notice of its intention to do so.~~

10.2 ~~The Water Race for the purposes of filling a~~ pond or reservoir ~~must be, the person carrying out the diversion and the Owner or Occupier of the land on which the pond or reservoir is situated must ensure that:~~

- ~~(b)~~(a) the pond or reservoir is watertight and lined with impervious material.;
- ~~(c)~~(b) Thethe intake and outlet of the pond or reservoir ~~must be~~is able to be shut off as required to ensure compliance with water restrictions or resource consent conditions.;
- ~~(d)~~(c) Anan outfall ~~must be~~is provided from the pond or reservoir such that any overflow flows back to the ~~water race~~Water Race, at the same water level as the ~~water race.~~Water Race; and
- ~~(e)~~(d) The Council may impose conditions restricting the area, volume or depthwater level of ~~any~~the Water Race is not reduced for the purpose of creating a pond or reservoir.

(f) ~~No pond or reservoir may cause any reduction in water flow in the water race from which water is diverted.~~

~~(g)~~ ~~10.3~~ ~~No person~~ No Person may construct a dam to raise the water level in the ~~water race~~ Water Race for the purpose of creating a pond or reservoir without Council Approval.

### ~~13.11~~ EXISTING USES OBSTRUCTIONS

~~13.1~~ ~~11.1~~ If, at ~~the date this bylaw comes into force~~ any time there are obstructions, including but not limited to:

(a) ~~Trees~~ trees, hedges, ~~other~~ plants or shrubs of any kind, growing or dead, ~~and~~ in the form ~~or of~~ nature ~~of~~ stumps or otherwise, situated contrary to the provisions of this bylaw and irrespective of how, when or by what means they came to be there; ~~or~~

~~(b)~~ ~~Structures~~ structures, pipes, pumps, buildings, yards or ponds which are situated contrary to the provisions of this bylaw,

~~(b)~~ ~~and~~

~~(c)~~ ~~If~~, in the opinion of the Council, ~~any such obstruction interferes~~ obstructions interfere with the flow of the water, adversely impact downstream users or ~~creates~~ upstream occupiers or create excessive maintenance issues in any ~~water race~~ Water Race, the Council may;

~~(i)~~ ~~Require~~ require the ~~owner~~ Owner or ~~occupier~~ Occupier of the land on which the ~~obstruction is~~ obstructions are located to remove ~~that obstruction~~ those obstructions by giving notice accordingly.

~~13.2~~ ~~11.2~~ An ~~owner~~ Owner or ~~occupier~~ Occupier who objects to a requirement to remove an obstruction will be given an opportunity to be heard by the Council regarding that objection.

~~13.3~~ ~~11.3~~ If, having heard the objection, the Council confirms its opinion that the obstruction must be removed, it will notify the owner or occupier accordingly and will consider whether compensation is payable to the ~~owner~~ Owner or ~~occupier~~ Occupier.

~~13.4~~ ~~11.4~~ If, after an objection has been heard and the Council has given notice in accordance with ~~Clause 13.3,~~ clause 11.1, an owner or occupier fails to remove an obstruction within a reasonable timeframe the Council may take action pursuant to these bylaws ~~and in particular Clause 11.4~~.

### ~~14.12~~ EXTRA OR ABNORMAL SUPPLIES

~~14.4~~ ~~12.1~~ The Council may, at its discretion, grant an extra supply of water from a ~~water race~~ Water Race for special purposes, including fire fighting, or for purposes not otherwise authorised by this bylaw, at a cost to be established by the Council at the time of an application for such extra supply. Such cost may be varied from time to time.

### ~~15.13~~ POWERS OF THE COUNCIL

~~15.4~~ ~~13.1~~ The Council may, ~~—~~ pursuant to the powers vested in it under the Local Government Rating Act 2002, ~~the Local Government Act 1974~~ and the Local Government Act 2002, vary, ~~alter~~,

~~reduce, increase~~ or remove ~~charges and rates~~[Annual Charges](#) levied for the maintenance and operation of the ~~water race system~~[Water Race System](#).

~~15.2~~[13.2](#) The Council may alter the basis or manner or scale on which any or all such ~~charges or rates~~[Annual Charges](#) are to be assessed as it sees fit in accordance with the powers vested in it.

~~15.3~~[13.3](#) The Council may impose restrictions on taking water from time to time.

~~15.4~~[13.4](#) Where a ~~person~~[Person](#) is lawfully entitled to take water from a ~~water race~~[Water Race](#) for any purpose other than for stock drinking water, including but not limited to irrigation, the Council may impose a charge.

~~15.5~~[13.5](#) Nothing in this bylaw limits the entitlement of the Council to levy a rate to recover the cost incurred in maintaining and operating any ~~water race~~[Water Race](#).

~~15.6 The Council may, at any time and from time to time, set or vary by ordinary resolution, application fees, obstruction removal fees, and charges for taking water for purposes other than stock drinking water.~~

~~15.7~~[13.6](#) The Council may perform its obligations and exercise its rights under these bylaws or otherwise in relation to the ~~water race system~~[Water Race Network](#) through its nominated agents, employees or contractors, or the Agent, as the Council determines from time to time.

## ~~16.~~[14.](#) BREACHES OF THIS BYLAW

[14.1](#) Every ~~person~~[Person](#) commits an offence who -

~~16.1(a)~~ [Defaults](#)~~defaults~~ in payment of any rate imposed on their land in respect of the supply of stock water or irrigation water;

~~16.2(b)~~ [Fails](#)~~fails~~ to do or perform any act, or thing, that he or she is required to do by these bylaws;

~~16.3(c)~~ [Permits](#)~~permits~~, allows, or does, any of the acts that are prohibited in this bylaw;

~~16.4(d)~~ [Fails](#)~~fails~~ to comply with his or her water supply agreement with the Council; ~~or~~

~~16.5(e)~~ [Breaches](#)~~breaches~~ this bylaw.

## ~~17.~~ PENALTIES

### [15.](#) PENALTIES

~~17.1~~[15.1](#) Every ~~person~~[Person](#) who contravenes this bylaw is liable to a ~~fine~~[penalty](#) not exceeding \$20,000 or other such amount as may be provided for under [sections 239 and 242 of](#) the Local Government Act ~~2002.~~[and is liable to enforcement action by the Council.](#)

~~17.2~~[15.2](#) In addition to any penalty imposed by any court for a breach of this bylaw, the Council may sue for and recover from any ~~person~~[Person](#), the cost of damage done or caused to a water



race or associated works, or in respect of any water unlawfully taken or diverted or wasted or lost due to any failure to comply with this bylaw.

#### ~~18.16.~~ 16. SAVINGS

~~18.1~~ 16.1 Nothing in this bylaw is an undertaking or guarantee by the Council that it will provide water in any ~~water race~~ Water Race either at all, or to any quantity or to any specified quality.

~~18.2~~ 16.2 Nothing in this bylaw renders the Council responsible or liable to any ~~person~~ Person or body for the total or partial failure of any water supply from whatever cause such failure may arise.

**APPENDIX SIX**

**Key changes to the original “Water Race Bylaw 2008”**

## SELWYN DISTRICT COUNCIL WATER RACE BYLAW 2008 - SUMMARY OF THE KEY CHANGES

Clause	Provision	Notes – summary of change
	<b>Formatting</b>	We have made a number of changes to the general layout and format of the bylaw. This includes the insertion of automatic numbering and cross-references, avoiding duplication, use of appropriate section headings, and using consistent defined terms.
	<b>Explanatory note</b>	We have removed any background information in relation to water races from the body of the bylaw and placed this in an explanatory note at the beginning of the bylaw. The explanatory note sets the context of the bylaw and consolidates the operative provisions of the bylaw.
	<b>Key objectives of the bylaw</b>	We have removed the supply of untreated water to domestic households as a secondary objective of the bylaw.
2.1	<b>Purpose section</b>	We have inserted a purpose section. The benefit of a purpose section is that it forms an operative provision of the bylaw and allows the Council to assess a person's compliance with the bylaw against the degree to which their activities are compliant with the stated purposes of the bylaw.
4.1	<b>Definitions</b>	<ul style="list-style-type: none"> <li>We have removed a number of redundant definitions.</li> <li><i>Clause 4.1(g) - Council:</i> we have expanded the definition of <i>Council</i> to include authorised officers of the Council. This will allow Council members who have delegated authority under the Council's delegation manual to review, enforce and/or make decisions under the bylaw.</li> <li><i>Clause 4.1(i) - Domestic use:</i> we have inserted a definition of domestic use to include the use of any water in a residential home for domestic purposes.</li> <li><i>Clause 4.1(j) - Non-commercial irrigation:</i> we have expanded this definition to ensure it is consistent with how this term is defined in the Water Race Policy (W118).</li> </ul> <p><i>Clause 4.1(m) - Private Stock water race:</i> We have amended this from "Farm Stock Water Race."</p>
5.1	<b>Right to take water</b>	We have removed the ability for a person to take water in, or from a water race, pursuant to a lawfully established existing use. A person cannot rely on a pre-existing right to take water prior to the bylaws enactment in 2008.

6.0	<b>Application to take water</b>	<p><b><i>Applications to take water from a Water Race</i></b></p> <p><i>Clause 6.1</i> – We have inserted that an applicant must provide the Council with specific details regarding:</p> <ul style="list-style-type: none"> <li>the method by which water will be taken, including where it will be stored (such as a pond, trough, stock drinking station) and how it will be taken (such as by pipe, open drain or other method); and</li> <li>the proposed treatment of the water (if any)</li> </ul> <p><b><i>Council conditions where approval is granted to take water from a Water Race</i></b></p> <p><i>Clause 6.5</i> – We have inserted that, where approval has been granted to allow a person to take water from the water race, the Council may impose additional conditions on an applicant including:</p> <ul style="list-style-type: none"> <li>where water is to be taken for commercial irrigation, a requirement for the applicant to install telemetry recording and transmitting abstraction data to the Council; and</li> <li>a requirement for the applicant to undertake suitable and effective treatment of the water (where necessary).</li> </ul>
6.10 6.11	<b>Taking water for commercial and non-commercial irrigation</b>	We have deleted clause 6.10 and 6.11 of the bylaw (which allows the Council to grant approval for commercial and non-commercial irrigation). We suggest that these provisions are not necessary as the Council's already has the discretion whether or not to grant approval for such purposes under clause 6 of the bylaw.
6. 12	<b>Taking water for emergency services</b>	We have deleted clause 6.12 of the bylaw (which allows water to be taken for emergency services). Council approval is not required to take water for emergency services. It is therefore not an operative provision that needs to be set out in the bylaw. We note that the explanatory note covers that water may be taken for such emergency services.
7.0	<b>Prohibited uses</b>	Section 228 of the Local Government Act 2002 sets out a number of offences relating to the use of water races. We have therefore inserted that the prohibited uses stated under the bylaw, are in addition to any prohibited uses that are set out under the Local Government Act.
Previously clause 9.1	<b>Council responsibilities to maintain and clean Council Water</b>	We have deleted clause 9.1 of the bylaw (which provided that Council is responsible for the maintaining and cleaning any Council Water Races). This is because we do not see that it is necessary or desirable for the bylaw to constrain the Council. Rather, such matters might be better dealt with in Council policies with less risk to the Council and more flexibility for the Council to change its approach should that be

	<b>Races</b>	desirable.
8.2	<b>Owner or Occupier Responsibilities</b>	<p><i>Clause 8.2(b)</i> – We have inserted that, where water is being taken from either a Private Water Race or a Council Water Race for domestic use, the owner, occupier or person(s) taking the water is responsible for ensuring that:</p> <ul style="list-style-type: none"> <li>• all necessary and appropriate treatment of the water is carried out (so as to ensure the water is safe for domestic consumption); and</li> <li>• any conditions imposed by the Council to test and treat the water are complied with.</li> </ul>
10.4	<b>Council maintenance and cleaning of Water Races</b>	We have deleted clause 10.4 which sets out the Council's obligation to clean and maintain Council Water Races. As discussed above, we do not think it is desirable it is necessary or desirable for the bylaw to constrain the Council. Rather, this matter might be better dealt with in Council's policies with less risk to the Council and more flexibility for the Council to change its approach should that be desirable.
11.0	<b>Failure to repair or clean a Water Race</b>	We have deleted clause 11.0, which sets out the repercussions for a failure to clean or repair a water race. We do not think it is necessary to repeat the powers in section 186 of the Local Government Act 2002 for the Council to carry out the work itself. This is a matter of statute law and there is no need to repeat these provisions in the bylaw.