
STOCKWATER RACE CLOSURES

GUIDELINES & POLICY DOCUMENT



Operations Division

Revised February 2011

Adopted by Council 14 April 2011

Purpose of this Document

To identify the issues and options for closing lengths of stockwater race or areas serviced by the race network. These closures are being initiated by either customers or Council. This document also includes Race Closure Guidelines to assist staff to progress race closures to meet customer expectations and Council requirements in a timely manner.

Introduction

Ashburton District Council's water races have been in existence for over 80 years and use water taken from rivers, springs, the Rangitata Diversion Race and other irrigation schemes within the District. Water is sourced from 49 locations/intakes, 26 of which are consented by Environment Canterbury and the balance through agreements with various irrigation schemes.

Much of the farming sector is reliant on the network as a source of water. The water is conveyed along an open race network that supplies water to most farms within the plains area. There are approximately 470 km of mains and 2,450 km of minor races within the network, serving 2682 individual properties. Surplus water through the network is returned back to surface/ground water via 112 disposal points.

Over the past 25 years the Council has been involved in a programme of upgrading intakes, control structures and turnouts which has resulted in an improved level of service, efficiencies and water savings.

Council's consents to take water for stock are currently being renewed. The indicated consent conditions include a focus on water efficiency that will need to be considered in the ongoing management of the network. This combined with changing land use and an increasing number of customers requesting race closures means that race rationalisation is becoming a priority. At present when a request is received from a property owner/owners regarding a race closure, a localised consultation process/survey is carried out to determine the level of support from the beneficiaries for the race closure. Often there is insufficient support for the closure from a small number of property owners. It is considered that lack of support for race closures in some cases may centre around uses the races provide other than the "core" uses of providing water for stock and potable use where no alternative sources of water are available. The inability to close races because of these secondary benefits conflicts with Council's commitment to improve the efficiency of the stockwater network, water conservation and in some cases customer expectations.

A Council adopted race closure guideline document in conjunction with the Local Government Act will assist staff to proceed with race closures focussing on the need for water on the basis of the "core" benefits and where there is majority support to work with customers not supporting the closure to find a cost effective alternative to the open race.

Note: Core uses are those that primarily relate to the collection, conveyance and distribution of water for potable use or for use by stock in accordance with Ashburton District Bylaw, Chapter 15, Stockwater Races (and amendments).

Existing Legislation

The Local Government Act 2002 whilst not directly detailing a specific process for the discontinuance of a water race, it does detail the decision making process a local authority must go through in Sections 77 to 79, sub-part 1, part 6, which are reproduced below:

77 Requirements in relation to decisions

- (1) *A local authority must, in the course of the decision-making process, -*
- a. *seek to identify all reasonably practicable options for the achievement of the objective of a decision; and*
 - b. *assess those options by considering –*
 - i. *the benefits and costs of each option in terms of the present and future social, economic, environmental and cultural well-being of the district or region; and*
 - ii. *the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option; and*
 - iii. *the impact of each option on the local authority's capacity to meet present and future needs in relation to any statutory responsibility of the local authority; and*
 - iv. *any other matters that, in the opinion of the local authority, are relevant; and*
 - c. *if any of the options identified under paragraph a. involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.*
- (2) *This section is subject to section 79.*

78 Community views in relation to decisions

- (1) *A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.*
- (3) *A local authority is not required by this section alone to undertake any consultation process or procedure.*
- (4) *This section is subject to section 79.*

79 Compliance with procedures in relation to decisions

- (1) *It is the responsibility of a local authority to make, in its discretion, judgements –*
- (a) *about how to achieve compliance with sections 77 and 78 that is largely in proportion to the significance of the matters affected by the decision; and*
 - (b) *about, in particular, -*
 - (i) *the extent to which different options are to be identified and assessed; and*
 - (ii) *the degree to which benefits and costs are to be quantified; and*
 - (iii) *the extent and detail of the information to be considered; and*
 - (iv) *the extent and nature of any written record to be kept of the manner in which it has complied with those sections.*
- (2) *In making judgements under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to -*
- (a) *the principles set out in section 14; and*
 - (b) *the extent of the local authority's resources; and*

- (c) *the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.*
- (3) *The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the Resource Management Act 1991).*
- (4) *Subsection (3) is for the avoidance of doubt.*

Council Stockwater Bylaw

Council's bylaw focuses on the reliable supply of stockwater, maintenance and water quality issues. There is no clear guideline or statements in the Bylaw that permits Council to close races other than to better manage water during drought periods or for maintenance purposes.

Considerations

Considerations which may support retention of stockwater races:

- Water is used for the "core" activities of stock use, and access to water for potable use where no alternative supply is available
- There are no cost effective alternative sources of water available on site
- There are no cost effective alternative sources of water available off site
- Races can be used to convey surface water runoff during emergency and/or during high rainfall events
- No support for race closure or cost effective alternative means of conveying or sourcing water for approved use
- The prohibitive cost of alternatives to the open race network
- Adverse environmental impacts arising from the race's closure

Considerations which may support closure of stockwater races:

- Cost effective alternative sources of water available on site
- Cost effective alternative source of water available off site
- Water is primarily required for purposes other than for use by stock or potable use
- There is full support for the race closure by the current beneficiaries and stockwater is no longer required

Race Closure Options

Where there is a request to close a section of the open race network there are a number of options available to Council. The preferred option is likely to be identified after consultation and support determined for the race's closure or an alternative to the existing open race. It will be necessary for Council to carry out some investigation work after the initial consultation to identify feasible cost effective alternatives to the open race. Significant factors to be considered during the investigation will include the depth of groundwater, alternative water sources, "core" stockwater use and existing land use.

A number of options to address an application for race closure have been identified. These are:

Option 1: Race Closure and no provision of Stockwater

- Possible race closure identified
- Consultation/survey carried out
- Water no longer required by all current beneficiaries
- Majority support for the race closure
- Assess environmental impact of race closure
- Race closed. (Council may impose a race closure without identifying alternatives if stockwater for “core” use is no longer required).

Option 2: Race Piping by length or by area

- Possible race closure identified
- Initial consultation/survey carried out
- No level of service issues identified regarding “core” stockwater use
- Majority support for race closure confirmed
- Investigation carried out
- Assess environmental impact of race closure
- Benefits of piping and increase in level of service identified regarding “core” Stockwater use
- Consultation including the piping alternative carried out
- Majority support for piping of the identified length of stockwater race and commitment to contribute towards the cost of the piping in accordance with Council’s funding policy
- Approved work carried out
- Race closed. Funding as follows:
 - Capital upgrade 90% beneficiaries 10% Community as a whole
 - New piped scheme 90% beneficiaries 10% Community as a whole

Option 3: Bypass / Race Realignment, Race Retained

- Possible race realignment identified
- Initial consultation/survey carried out
- No level of service issues identified regarding “core” stockwater use
- Majority support confirmed
- Investigation carried out
- Assess environmental impact of race closure
- Consultation including the bypass/race realignment alternative carried out
- Construction of a bypass race to an adjacent race or realignment of existing race
- Cost of the realignment work to be met by the beneficiaries

Option 4: Do Not Close the Race – Race Retained

- Possible race closure identified
- Initial consultation/survey carried out
- Level of service issues identified that will impact on “core” stockwater use
- Investigation work carried out
- Assess environmental impact of race closure
- Consultation carried out
- No cost effective alternative to the open race
- Race retained

Option 5: Existing Onsite alternatives to the open race

- Possible race closure identified
- Initial consultation/survey carried out
- Majority support for the race closure confirmed
- No level of service issues identified regarding “core” stockwater use
- Investigation work carried out
- Assess environmental impact of race closure
- Possible cost effective alternatives to the open race identified (eg accessing an existing onsite irrigation well and piping water for stock or “core” use) and promoted through consultation with the affected property owners
- On site physical works carried out at the property owner’s expense
- Race closed

Option 6: New Onsite alternative to the open race network

- Possible race closure identified
- Initial consultation/survey carried out
- Majority support for the race closure confirmed
- No level of service issues identified regarding “core” stockwater use
- Investigation work carried out
- Assess environmental impact of race closure
- Possible cost effective alternatives to the open race identified (eg access to shallow groundwater onsite and piping water for stock or “core” use) and promoted through consultation with affected property owners
- On site physical works carried out at the property owner’s and/or the beneficiaries expense
- Race closed.

Race Closure Policy/Guidelines

Introduction

Water is one of the District's most valuable resources and improved water race network management, efficient water use and conservation are important activities to be carried out and requirements of the new resource consents to be granted soon. One of the initiatives with regard to improved stockwater race management, water efficiency and conservation is water race rationalisation.

From time to time customers, Council staff or elected representatives identify races that could be closed and a process is initiated to confirm there is sufficient support and a mandate to proceed with the closure. Often there is not sufficient support for a race closure and some beneficiaries wish to retain the race for uses other than "core" stockwater use. In some cases there are potential cost effective alternatives to the open race.

To date race closures have generally been promoted and support determined through a consultation/survey process.

Where there is insufficient support even though alternative stockwater supplies exist, the consideration of the decision to close the race proceeds in accordance with the following formal procedure (Council adopted) in conjunction with the Local Government Act to facilitate progressing race closures to meet customer expectations and Council requirements. Set out below is a guideline for considering applications for race closure.

Background

The Ashburton District Council maintains, operates, and administers approximately 2,922 km of stockwater races. The stockwater network, which includes approximately 471 km of main races and 2,451 km of minor races, has been in existence for over 80 years. Water for the network is sourced from 42 intakes. Water sources include the Rangitata, Ashburton (both South and North Branches), and Rakaia Rivers, Pudding Hill Stream, the Rangitata Diversion race, and various other streams and springs.

Council currently manages and administers the stockwater network through "the Ashburton District Council Bylaw, Chapter 15, Stockwater Races which came into operation in July 2008. Day to day management and maintenance of main races is carried out by Council's Water Rangers and other Council Officers. The Stockwater Bylaw sets out the requirements and obligations of occupiers and landowners who have stock water races on and running through their property. The bylaw also sets out the actions that can be taken by Council to ensure water quality, conservation and conveyance are maintained.

The current stockwater bylaw does not include race closures or discontinuing the supply of water for reasons other than for maintenance or flow management.

From time to time customers, council staff or elected representatives identify a stockwater race that could be closed because of limited use. This document sets out the standard procedure to be carried out if a potential race closure is identified or requested.

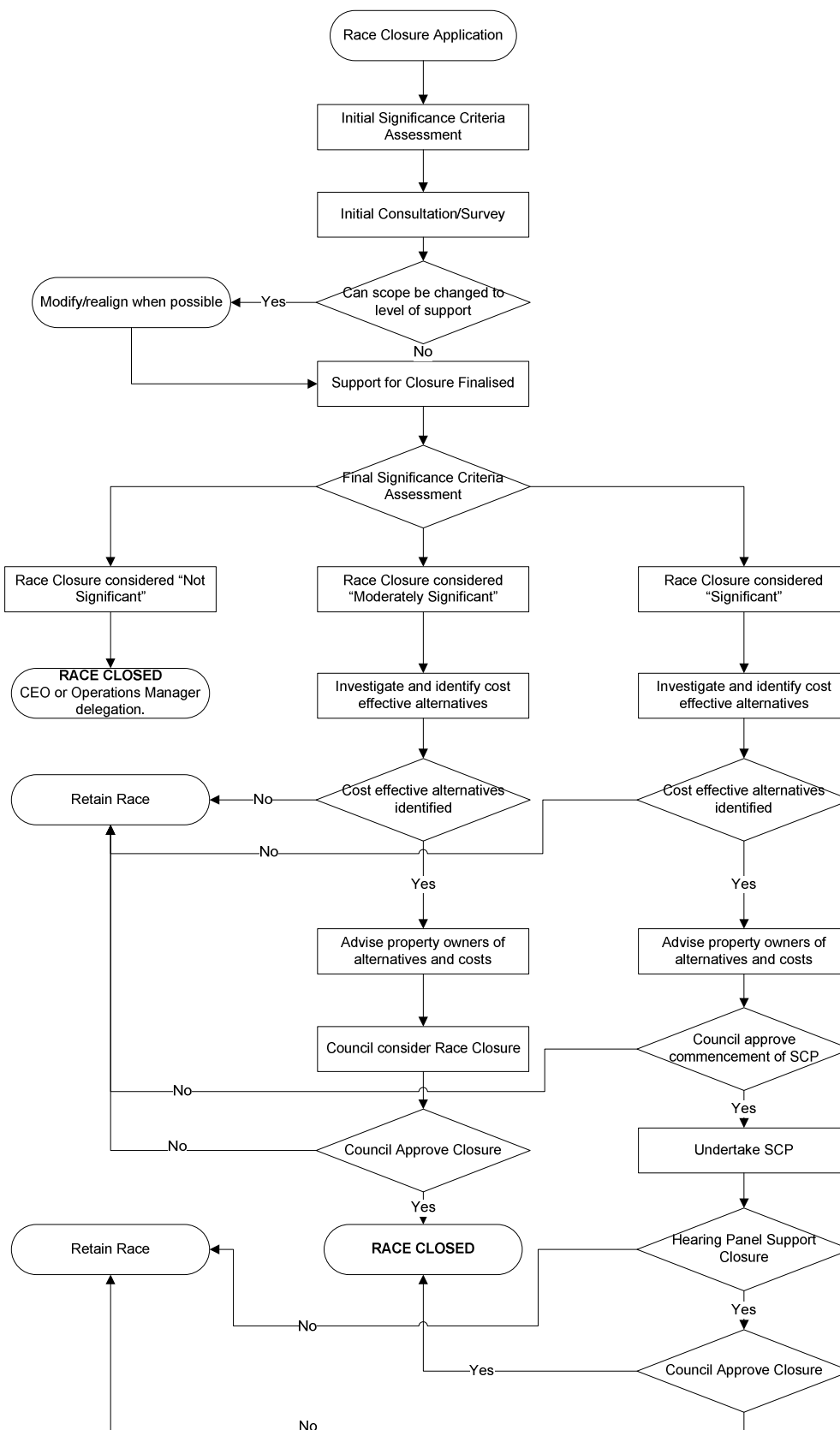
Race Closure Procedures/Guidelines

In the event of a customer, council staff member or elected representative identifying a race to be considered for closure. The following procedure is to be carried out:

1. A Water Race Application Form (StkW-01 – Appendix B) is to be completed in full.
2. Within 10 working days of receiving the application stockwater plans and records will be reviewed to determine whether the requested stockwater closure is feasible and beneficiaries of the stockwater race identified. An initial assessment of the significance of the race closure (in accordance with Appendix D) is to be undertaken based upon the number of directly affected properties a race length against the significance criteria. An initial consultation/survey will be initiated using form (StkW-02a - Appendix C) to determine the level of support for the race closure. Responses to the initial survey will be required within 15 working days. A nil response will be followed up by a phone call or visit by a water ranger.
3. If there is not 100% support for closure, then the scope of race closure will be modified or race realigned to improve efficiency and meet the requirements of customers supporting the race closure. Funding of physical works will be in accordance with the Revenue and Financing Policy.
4. Once the scope is confirmed and the final level of support is known, the significance assessment of the closure will be finalised by staff. If there is 100% support for the race closure, and the race meets the other criteria to be classified as “Not Significant” in accordance with Appendix D, the race will be closed under authority delegated to staff in accordance with any agreement with the beneficiaries.
5. If there is not 100% support for the race closure and the scope of race closure cannot be modified to meet the requirements of customers supporting the race closure, investigations will be carried out to identify cost effective alternatives to the open race. Alternatives may include but not be limited to the following:
 - Race piping by defined length or area
 - Bypass/race realignment
 - Existing onsite alternatives to the open race eg irrigation well
 - New onsite alternative to the open race eg new well
 Investigation of cost effective alternatives will be completed within 20 working days. Investigation work will be carried out at the Council’s expense.
6. If there are cost effective alternatives, these alternatives will be presented to the property owners not supporting the race closure. Information presented to the property owner will include but not be limited to:
 - The option/options
 - Description of the option/options
 - The cost implications
 - A timeframe to implement the alternative
 - Council’s commitment to water efficiency and conservation and race rationalisation
 - Details of Council’s contribution towards the alternative in accordance with the Revenue and Financing Policy.
7. A cost effective alternative for the purposes of these guidelines is an alternative having where the total cost for all investigation, consenting and construction equal to or less than \$15,000 per individual rateable property.
8. For any race closure that has been considered as “Moderately Significant” in accordance with Appendix D, the closure will be subject to and limited to consideration and resolution by Council. Council will reserve the right to utilise the Special Consultative Procedure on a case by case basis where it sees fit.

9. For any race closure that has been considered as “Significant” in accordance with Appendix D, the closure will be subject to the Special Consultative Procedure in accordance with Section 83 of the Local Government Act 2002, consideration and resolution by Council.

APPENDIX A: RACE CLOSURE FLOW CHART



APPENDIX B: WATER RACE APPLICATION FORM

Stockwater Race Works Consent Application Application Form **FORM 1**

NOTES TO PERSON COMPLETING THIS FORM:

Please refer to the ADC Stockwater Race Information Series Leaflet No 2 Entitled "Making a Stockwater Race Application" when filling out this form.

No works may be undertaken on the stockwater races without **written approval** from the Ashburton District Council.

Please ensure your application includes all the information asked for. Not including all the required information will result in delays in the processing or possible refusal of your application. You can normally expect to be notified whether your application has been approved or declined within 10 working days of the receipt of a fully completed application.

If you have any questions about this form or the reason it is required, please contact your area water ranger or the water services department at the Ashburton District Council, 5 Baring Square West, PO Box 94, Ashburton 7740. Phone 307 7700, Fax 308 1836, Email info@ashburtondc.govt.nz

1 Full Names and address of applicant(s)	
Surname:	First Names:
Surname:	First Names:
And/or Company Name:	
Postal Address:	
Phone (home):	Phone (business):
Fax (home):	Fax (business):
Email:	
Contact person:	

2 Location of the site to which this application relates
Site Address:
Legal Description of Property:
Property Number:

(Note: Both the legal description and property number can be found on the rates demand for the property)

3 What type of consent are you applying for?
--

Please tick the appropriate boxes below.

- | | |
|---|---|
| <input type="checkbox"/> Add a pipe service | <input type="checkbox"/> Extension service |
| <input type="checkbox"/> Add a pump service | <input type="checkbox"/> Pond service |
| <input type="checkbox"/> Add a ram service | <input type="checkbox"/> Construction of new culvert/crossing |
| <input type="checkbox"/> Deviation of existing race | <input type="checkbox"/> Construction of new race |
| <input type="checkbox"/> Extension of existing race | <input type="checkbox"/> Closure of existing race |

4 Description of the Works

Please describe fully the proposed works for which consent is being sought.

5 Site plan of the proposed works

Please attach a plan showing the proposed works. The plan should show the entirety of the proposed works and specifically include the following information and be clearly labelled.

- | | |
|--|---|
| • Location of existing races | • Road names |
| • Dimensions (length, width, depth, grade) of existing races | • Fence lines |
| • Location of proposed races | • Locations of structures (culverts, weirs or junctions) on the races |
| • Direction of flow | • Specifications of proposed work - ie, culvert materials and diameters |
| • Discharge points | • Indication of due north |
| • Property boundaries | |

6 Assessment of effects of the proposed works

Please complete a "Stockwater Race Works - Assessment of Effects" form (Form 2) for the following water race works – deviation of existing race, extension of existing race, closure of existing race and construction of a new race. You do not need to complete an assessment of effects form for water race service applications.

7 Approval from affected parties

Please include a signed consent form (Form 3) completed by each of the parties who may be affected by the proposed works. Note: An Affected party is anyone who may be affected by the proposed works both in the short term (ie while the works are being carried out) and in the long term (once the works are completed).

8 Signature and Date

(signature of applicant)	(full name of person signing)	(date)

Please forward your completed application form along with your site plan, plus a stockwater race works assessment of effects form and affected parties written consent forms (where required) to: Ashburton District Council, PO Box 94, ASHBURTON 7740 Attention: Operations Secretary

APPENDIX C: INITIAL CONSULTATION / SURVEY FORM



**ASHBURTON
DISTRICT
COUNCIL**

Water Race Closure – Customer Survey Form
Survey on Current Stockwater Usage and Requirements
SK-xxxxx area

SKW-02a

Survey Response Form

Name: «NAME_1» Phone: (bh) _____
«NAME_2» Phone: (ah) _____
Address «ADD_1» Facsimile: _____
«ADD_2» Prop Ref: «PN» _____
«ADD_3»

1. Describe your farming operation? (tick all that apply)

- | | | |
|--------------------------------|----------------------------------|---------------------------------------|
| <input type="checkbox"/> Sheep | <input type="checkbox"/> Dairy | <input type="checkbox"/> Cropping |
| <input type="checkbox"/> Beef | <input type="checkbox"/> Pigs | <input type="checkbox"/> Horticulture |
| <input type="checkbox"/> Deer | <input type="checkbox"/> Poultry | <input type="checkbox"/> Lifestyle |

2. Do you rely on the open race stockwater supply for stock or domestic purposes?

- Yes
 No (Go to question 3)

2(a) If Yes, what is it used for?

- Stockwater
 Domestic
 Both

2(b) In terms of meeting your needs, is it:

- Good
 Adequate
 Unsatisfactory

2(c) If "Unsatisfactory" in question 2(b), please give reasons (tick all that apply)

- Variable quality or discoloured
 Unreliable supply
 Poses a risk to stock or personal health
 Inconvenient to your farming operation
 High maintenance requirement

3. Do you have a groundwater bore (well) on your property?

- Yes
 No (Go to question 4)

3(a) If Yes, please indicate;

Diameter (tick one only)

- | | | |
|--------------------------------|---------------------------------|---|
| <input type="checkbox"/> 50 mm | <input type="checkbox"/> 100 mm | <input type="checkbox"/> 200 mm |
| <input type="checkbox"/> 75 mm | <input type="checkbox"/> 150 mm | <input type="checkbox"/> Other (specify) _____ mm |

Depth (tick one only)

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> <20 metres | <input type="checkbox"/> 40 - <60 m | <input type="checkbox"/> 80 - <100 m |
| <input type="checkbox"/> 20 - <40 m | <input type="checkbox"/> 60 - <80 m | <input type="checkbox"/> 100 m or deeper |

3(b) How would you describe the reliability of your well? (ignore equipment failure)

- Reliable (ie water always available)
 Adequate (ie water unavailable 1 or 2 times in last 10 years)
 Unreliable (ie long periods when water is unavailable)

S&W-02b

4. Do you have an irrigation system on your property?

Yes

No (Go to question 5)

4(a) If yes, what type of irrigation system do you have in place?

Permanently reticulated (*ie buried mainline*)

Portable pipework

5. Do you have a reticulated stockwater trough system on your property?

Yes

No (Go to question 6)

5(a) If yes, do you believe that the trough system is a satisfactory or better alternative to the open stockwater race?

Yes

No

6. Do you support closure of the race system as shown on the accompanying map?

Yes (*go to question 7*)

No

6(a) If you **do not support** closure, please give reasons (*tick all that apply*)

Stock use

Domestic

Fire-fighting

Irrigation (*including gardens etc*)

Aesthetic values (*landscaping, ponds etc*)

Other Reasons (*specify below*)

7. If you would like to make some general comments in regard to the stockwater network please do so in the space provided below:

SIGNATURE: _____

DATE: _____

The Ashburton District Council appreciates your response to this survey. The information obtained will be used to enable Council to make informed decisions in regard to the race closure and/or assist in the development of alternatives to the open race stockwater system in your area. This information may be disclosed to other parties who would be affected by a stockwater race closure.

If you would prefer the information you have provided to remain confidential please tick this box.

Please forward the completed survey form by xxxxx to Ashburton District Council.

APPENDIX D: SIGNIFICANCE ASSESSMENT CRITERIA

	Not Significant	Moderately Significant	Significant
Number of properties directly affected by closure	Less than 10 properties	Less than or equal to 50 properties	Greater than 50 properties
Length of proposed race closure	Less than 10km	Less than or equal to 25km	Greater than 25km
Support for closure by core users	100%	Less than or equal to 100%	Less than or equal to 100%
Support for closure by other users	100%	Less than or equal to 100%	Less than or equal to 100%

APPENDIX E: RACE CLOSURE TIMEFRAMES

Race Closure Meets “Not Significant” Criteria

	Task	Task Duration (days)	Cumulative Process Duration (working days)
(a)	Application Lodged	0	0
(b)	Application Review	5	5
(c)	Initial consultation/survey	5	10
(d)	Response to initial consultation	15	25
(e)	Report to CEO or Operations Manager	5	30
(f)	Advise beneficiaries of race closure	5	35

Race Closure Meets “Moderately Significant” Criteria

	Task	Task Duration (days)	Cumulative Process Duration (working days)
(a)	Application Lodged	0	0
(b)	Application Review	5	5
(c)	Initial consultation/survey	5	10
(d)	Response to initial consultation	15	25
(e)	Investigate Alternatives	20	45
(f)	Advise beneficiaries of alternatives	10	55
(g)	Report to Council for Closure resolution	30	85
(j)	Advise beneficiaries of Council resolution regarding race closure	5	90
(k)	Race Closure	60	150

Race Closure Meets "Significant" Criteria

	Task	Task Duration (days)	Cumulative Process Duration (working days)
(a)	Application Lodged	0	0
(b)	Application Review	5	5
(c)	Initial consultation/survey	5	10
(d)	Response to initial consultation	15	25
(e)	Investigate Alternatives	20	45
(f)	Advise beneficiaries of alternatives	10	55
(g)	Report to Council to commence SCP	30	85
(h)	SCP in accordance with Section 83 of the LGA	35	120
(i)	SCP Hearing	10	130
(j)	Report to Council for Closure resolution	30	160
(k)	Advise beneficiaries of Council resolution regarding race closure	5	165
(l)	Race Closure	60	225