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ItsOurPlace.nz

Draft Water Races Bylaw 2025

We are reviewing our Water Races Bylaw and want to hear what you think.

This booklet includes a summary of our proposed changes and a submission form for your feedback

We want to know what you think.

Submissions close 29 June 2025



Ashburton
DISTRICT COUNCIL

Introduction

Council manages a water race network that includes about 1,543 km of races. 421 km are main races maintained by Council and 1,123 km are local races maintained by the adjoining landowners.

The water race network is primarily a gravity fed open race system, although there are several areas serviced by piped systems. We also provide stockwater via two piped schemes in the Methven-Springfield and Montalto areas. These piped schemes are treated to provide potable water and are considered drinking water supplies.

Why we do it

The service is mostly used to provide water for animals, but there are also other benefits such as supporting biodiversity, providing food sources (mahika kai), land drainage, and contributing to community amenities (e.g. supplying water to the Ashburton Domain ponds).

Over the past two decades, around 2,500 km of races have been closed. Closure requests are regularly received. We consulted on Council exiting from the delivery of stockwater as part of the 2024-34 Long-term Plan. The community supported a proposal for Council to exit from delivery of stockwater in a managed and inclusive way. The aim is to exit within three years. A stockwater working group has planned for and is now monitoring the exit process.

The Water Race Bylaw is an important tool for the day-to-day management of the water race network. The current Bylaw will expire in September 2026, when we expect to be around halfway through the exit process.



Feedback closes Sunday 29 June 2025. The easiest way to share your feedback is at **[ItsOurPlace.nz](https://www.itsourplace.nz)**

About Bylaws

Powers to make local regulations come with legal checks and balances so that Councils do not make rules that are unlawful, unnecessary, or an unreasonable restriction on people's rights and freedoms.

Council must consider reasonable and practicable alternatives

When it comes to reviewing bylaws, the Local Government Act sets out four reasonable and practicable alternatives:

1. Amend the Bylaw
2. Revoke the Bylaw and replace it with a new Bylaw
3. Revoke the bylaw and not replace it (or let it expire)
4. Rollover the existing Bylaw – make no changes

Council has considered all these options. The preferred Option and the reasons for Council's preference are described in this document.

Council must also consider legal tests

Council must also consider legal tests in section 155 of the Local Government Act 2002 (LGA02) when making decisions on bylaws. Council considered these tests and determined that the proposed new Bylaw:

- ✓ Is the most appropriate way of addressing the perceived problems; and
- ✓ Is the most appropriate form of bylaw; and
- ✓ Does not give rise to implications under the New Zealand Bill of Rights Act (NZBORA) and
- ✓ Is not inconsistent with NZBORA

More documentation on the consideration of alternatives and the legal tests is available on itsourplace.nz

Do you want to know more?

More information about the Bylaw, including a copy of the draft Bylaw can be viewed online at **itsourplace.nz**

You may request a copy by emailing submissions@adc.govt.nz or visiting Customer Services in Te Whare Whakatere (Library and Civic Centre).

Why is this bylaw required?

The Bylaw sets out Council's expectations for how the water race network is managed in the District, taking into account community feedback.

It covers rules for:

- The purpose of the water race network
- The responsibilities of people who use the race or whose land contains or is adjacent to a race
- The powers and responsibilities of Council
- Closing or diverting or altering the water race network
- Uses of the water race which are NOT allowed
- How the Bylaw is enforced

What are the problems and issues?

Council identified the following problems with the current Bylaw which need to be addressed by making a new Bylaw:

- The current Bylaw will expire in September 2026 leaving Council without appropriate tools to manage the network through to the end of the exit process.
- A range of administrative updates are required for dates, job titles, related documents, and operational changes since 2019. Others are to clarify the intent of the Bylaw or to correct errors.

These issues are discussed in more detail pages 6-7.



What is proposed?

A new bylaw is being made that replicates the 2019 Bylaw, with minimal and minor changes to the Bylaw.

Key issue

The key issue is whether Council should make this Bylaw to keep day-to-day management tools in place till July 2027, or simply let it expire.

What is the proposal?

Option One – the “95%” Status Quo Option

Council proposes to make the Water Races Bylaw 2025 so that it continues to have the day-to-day tools to manage the water race network throughout the process of exiting the delivery of stockwater delivery. This will include minimal and minor changes to correct errors and make the Bylaw work better.

Council expects to revoke the bylaw at the end of the exit process in 2027 and may put in place any other policy and regulatory frameworks that are needed for the operation of the remaining parts of the network and the protection of race values.

How will this differ from what we do now?

Not very much at all. Due to timing issues, Council did not formally review the Bylaw before its statutory review date. Hence it will expire in September 2026. Our Plan is to make a new Bylaw, based closely on the 2019 Bylaw, so that Council can manage the water race network through to exit from service delivery.

Advantages	Disadvantages
It supports the effective and efficient management of the water race network.	This Option involves some costs funded from existing budgets. This cost would not be incurred under other Options.
It supports the stockwater exit plan.	
It enables Council to make minor corrections to the bylaw as needed.	
Risks	
There is a risk that, if it does not act to keep bylaw powers, Council will face higher costs in maintaining local races. We consider that the preferred option will mitigate this risk.	

What are the alternatives to the proposal?

Option two – maintain 100% status quo

Under this option, Council would resolve to make a new Bylaw, identical to the existing bylaw.

This Option differs from the preferred Option because it fails to make the minor improvements and corrections contained in the proposal. The costs are the same, and it also supports network management and the stockwater exit plan.

This was not preferred because there is some value in making the minor improvements and corrections as set out in Option one.

Option three – Do nothing

Under this option, Council would operate with the current bylaw until it expires on 26 September 2026 and, after that, manage within the powers under the Local Government Act 2002 (LGA02).

Council would have less powers under the Local Government Act 2002 to manage the races, than it would under the Bylaw. In particular, it would have:

- fewer powers to require owners and occupiers to maintain local races
- limited ability to do the work on behalf of the owner or occupier, and
- less ability to recover the costs of the work.

This was not preferred because of the risk that Council will face higher costs in maintaining local races without the appropriate tools available. Council took the view that the preferred option will help it to manage this risk and that the costs of making the Bylaw will be lower than the potential extra costs addressing race maintenance.

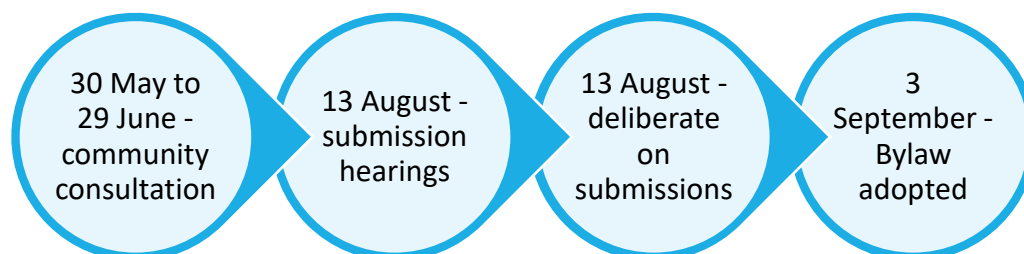
Other issues

There are other changes to the Bylaw which are minor in terms of their effect on the community. We welcome your feedback on any of these.

TOPIC	EXPLANATION
Update title of responsible manager	Due to staffing changes since 2019, the responsible manager is now the Group Manager, Infrastructure and Open Spaces
Updates for new adoption, commencement and review dates	In anticipation of the adoption of the new Bylaw on 3 September 2025, the following dates will apply: “Date adopted: 3 September 2025” “Commencement: 12 September 2025” “Next review due: 3 September 2030”
Update list of related documents	Add references to the Stormwater Bylaw, the Wastewater Drainage Bylaw and the Water Supply Bylaw
Update Clause 1 – Title clause	New Bylaw title “Water Races Bylaw 2025”.

TOPIC	EXPLANATION
	Add a statement noting that the Bylaw revokes and replaces the 2019 Bylaw.
Update Clause 3 - Contents	Add reference to Schedule 3 – Access for Race Cleaning Machinery to list of bylaw contents
Update Clause 5 - Definitions	Update definition of “ Bylaw ” to reflect the new bylaw title Update definition of “ Service ” to note that council no longer rates specifically for services. A comma is added into the final sentence of the definition of “ Water race ”, after the word “bylaw”, to read: For the purposes of this bylaw, it includes both local races and main races.
Update Clause 7.9	Add cross-reference to clause 10.1.15.2 d and Figure 1 to provide more clarity on clause 7.9.
Add Explanatory Note – Clause 10.1.7	Add an explanatory note that clarifies that Council’s intent in clause 10.1.7 is to align our enforcement approach with the position set out in the Environment Canterbury stock exclusion rules.
Update Clause 10.1.15.2 d.	Add a cross-reference to Figure 1, which provides a pictorial representation of the Clause.
Correction of clause 10.1.17	An error was made in the wording of this clause in 2019. The word “not” is proposed to be added so it reads: “The owner or occupier or any other person shall not: 10.1.17 Permit a person who does not pay any water race rates to take water from a water race
Correction of Clause 10.1.19	Bylaw reads: “Place any boat, or other craft, in the water or any water race.” The wording seems to imply that the Bylaw applies to water outside water race network which is not the case. Proposed version reads: “Place any boat, or other craft, in any water race”.
Add Schedule 3 & Figure 1	Add Schedule 3 and Figure 1, which provides a pictorial representation of Clause 10.1.15.2 d..

What happens next?



Community consultation	Submission hearings	Submission deliberations to finalise bylaw	Bylaw adopted by Council
We'll seek feedback from the community	Submitters can present their submissions to Council in person at a hearing	Councillors will consider and deliberate on submissions, making the necessary changes to the draft bylaw as a result of submissions.	Council expects to adopt the final bylaw at this meeting.

What's the best option for our community? Let us know!

Fill out the submission form and return it via:

FREEPOST

Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740

IN PERSON

Dropping it off at:
Ashburton District Council
2 Baring Square
East

ONLINE

ItsOurPlace.nz

EMAIL

submissions@adc.govt.nz

Your feedback

Draft Water Races Bylaw 2025

Your feedback is valuable to us. You can submit on any or all of the questions below. You don't have to complete every question. You can provide attachments to support your submission.

Submissions close 29 June

Detailed supporting information is available at itsourplace.nz

1. What is your preferred option:

- a. ☐ - Option one – 95% status quo (Council's preferred option)
- b. ☐ - Option two – maintain 100% status quo
- c. ☐ - Option three – Do nothing
- d. ☐ - Something else (e.g. Option one or two with amendments)

2. If you chose option one, two or three, why did you prefer this Option?

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3. If you chose "d. Something else", please describe what you prefer and why you prefer it.

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4. What aspects of the proposed bylaw do you agree with and why? (Please specify the topic and/or clause numbers)

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5. What aspects of the proposed bylaw do you disagree with and why? (Please specify the topic and/or clause numbers you would like Council to change)

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6. Do you have any other comments, ideas, or feedback?

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Signature: Date.....

Submitter information

Name:.....

Organisation (if applicable):

Address (optional):

Phone.....: Email:.....

Do you wish to speak in support of your submission at the hearing? (If no boxes are ticked, we'll assume you do not wish to speak)

☐ **Yes:** Hearings are expected to be held in Hine Paaka (Council Chamber) on 13 August 2025. Please note that hearings will be livestreamed to our online channels.

☐ **No:** I do not wish to speak in support of my submission and ask that the following written submission be fully considered.

What we do with your information

Submissions presented in the form of a petition or accompanied by multiple signatures will be processed as a single submission.

Please note that by making a submission, your information will be used in the following ways:

- Submission material, including your name and organisation (if applicable) but excluding your contact details, will be included in the material available to council, media and the public at our office and on our website.
- The contact details you provide will be used for administration of the consultation process, including informing you of the outcome of the consultation.
- The information you have provided will be stored and held by Council. If you would like to request access to, or make a correction to your personal information, please contact council staff.





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