SOUTH WAIRARAPA DISTRICT COUNCIL

Kia Reretahi Tātau

AGENDA

Extraordinary Council Meeting

Thursday, 8 October 2026

I hereby give notice that an Extraordinary Meeting of Council will be held on:

Date: **Thursday, 8 October 2026**

Time: **9:00 am**

Location: **Supper Room, Waihinga Centre, Texas Street Martinborough**

Janice Smith

Chief Executive Officer

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7.1 WATER RACE BYLAW

Author: **Jessica Hughes, Principal Advisor, Legal**

Authoriser: **Janice Smith, Chief Executive Officer**

File Number:

PURPOSE

The purpose of this report is to seek Council approval for the proposed draft Longwood Water Race Bylaw 2026 to go out for consultation from 12th October to 5.00pm 9th November 2026. Including the approval of the draft bylaw and statement of purpose.

EXECUTIVE SUMMARY

The proposed draft **Longwood Water Race Bylaw 2026** consolidates and modernises the existing management framework for the **Longwood Water Race system** into a single updated bylaw. The purpose of the bylaw is to support the ongoing operation, maintenance, protection, and management of this important water race network while providing clarity around the responsibilities of landowners, occupiers, and Council.

Importantly, nothing fundamentally changes in the day-to-day operation of the Longwood Water Race or the obligations that have historically applied to users and adjoining landowners. The bylaw largely updates and modernises existing provisions, improving structure, readability, and administration while retaining the core management approach that has been in place for many years.

- The bylaw provides a modern and consistent framework for the management and protection of the Longwood Water Race network.
- The bylaw continues to recognise the primary purpose of the water race network as the supply of water for stock watering purposes.
- Existing provisions relating to water race protection, maintenance, access, cleaning, structures, vegetation management, and authorised uses have largely been retained and modernised within a single document.
- The bylaw clarifies the responsibilities of landowners and occupiers where water races pass through or adjoin private land, including obligations relating to maintenance, access, and obstruction management.
- Council retains the ability to maintain, improve, and protect the water race network and recover costs where works are required due to non-compliance with bylaw requirements.
- The bylaw provides a clear framework for managing activities that may affect water quality, water flow, infrastructure integrity, public safety, and fish passage.
- The bylaw supports the long-term operation and protection of the Longwood Water Race as an important rural infrastructure asset.
- The proposed draft **L**ongwood Water Race Bylaw 2026 largely formalises and updates existing water race management practices rather than introducing significant new regulatory

requirements. It provides a clear and consistent framework for the Longwood Water Race network, improves certainty for users and landowners, and supports the ongoing protection and operation of this important community asset.

RECOMMENDATIONS

That the Council:

1. determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems.
2. determines that in accordance with section 155(2)(a) of the Local Government Act 2002 the draft Bylaw is the most appropriate form of bylaw;
3. determines that in accordance with section 155(2)(b) of the Local Government Act 2002 the draft Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990;
4. adopts the Longwood Water Race Bylaw 2026 Statement of Proposal and proposed draft Longwood Water Race Bylaw 2026 (Attachment 1) and consultation document (Attachment 2) for adoption by the South Wairarapa District Councils for community consultation;
5. delegates authority to the Chief Executive to approve minor edits that do not alter the intent of the content, prior to publication of the draft bylaw, statement of proposal and consultation document for consultation; and
6. approves that public consultation, using the special consultative procedure, is proposed to run from 12th October 2026 for four weeks.

BACKGROUND

The proposed draft Longwood Water Race Bylaw 2026 has been developed following the expiry of the previous bylaw governing the Longwood Water Race system. As the bylaw is no longer in force, Council has undertaken a review of the existing regulatory framework to ensure appropriate provisions remain in place for the ongoing management, operation, and protection of the water race network.

The Longwood Water Race is a significant Council-owned infrastructure asset that primarily provides stock water to rural properties within the district. In addition to supplying water for farming purposes, the network contributes to drainage functions and supports wider environmental outcomes.

Historically, the Longwood water race has been administered under its own bylaw framework. The bylaw contains controls relating to water use, infrastructure protection, maintenance responsibilities, access, vegetation management, and obstruction prevention, all of which assist in ensuring the effective operation of the network.

The proposed draft bylaw consolidates these existing provisions into a single modern document. This approach improves accessibility for landowners and users, provides greater clarity around roles and responsibilities, and simplifies administration for Council. The proposed draft bylaw largely

carries forward the existing management approach and obligations that have historically applied to the Longwood Water Race, while updating the drafting and structure to reflect current legislative and regulatory drafting standards.

DISCUSSION

The proposed draft bylaw replaces the expired bylaw with a single modern bylaw that applies consistently across the Longwood water race systems. The intent is not to fundamentally change how the networks operate, but to retain and modernise the existing management framework while ensuring Council continues to have appropriate powers to protect and manage these important assets.

Why is the bylaw being proposed?

- The existing Longwood Water Race Bylaw 1936 has expired and no longer provide a regulatory framework for managing the water race network.
- Council has identified ongoing issues relating to infrastructure protection, obstructions, unauthorised works, access, maintenance responsibilities, public safety and increasing maintenance costs to all ratepayers.
- Without a bylaw, Council would have limited ability to require compliance or effectively manage activities that adversely affect the water race networks.

What is changing?

- Existing provisions have largely been retained and modernised into a clearer and more accessible document.
- The bylaw establishes a consistent set of rules and responsibilities across the Longwood Water Race network.
- Nothing fundamentally changes for existing users. The bylaw primarily updates, consolidates and modernises the existing framework rather than introducing significant new obligations.

The proposed draft Longwood Water Race Bylaw 2026 largely continues the management approach that has historically applied to the water race networks. Its primary purpose is to replace the expired bylaws with a single modern document, provide consistency across both schemes, and ensure Council retains the tools necessary to protect and manage these important rural infrastructure assets for current and future users.

Code of Practice:

Alongside the bylaw review, Council intends to review and update the existing Water Race Code of Practice. The review will include engagement with water race users and other interested parties to ensure the Code of Practice remains practical, fit for purpose, and reflects current operational requirements and user expectations. The current Code of Practice will remain in force while this review is undertaken.

COMPLIANCE SCHEDULE

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

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 the options in terms of their advantages and disadvantages; 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 Māori 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 - Compliance with procedures in relation to decisions.

Compliance requirement	**Staff assessment**
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is a matter of medium high significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the Long Term Plan) that relate to this decision.	This report complies with Section 145, 146, 150, 155, 156 of the Local Government Act 2002. Local Government Act 1974 – Provisions relating to Water Races
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications for Māori, engagement with the Maōri community will continue through the resource consent process.
Chief Financial Officer review	The Chief Financial Officer has not reviewed this report.
State the possible implications for health and safety	There are no health and safety considerations, other than those (if any) noted in the bylaw.

APPENDICES

Appendix 1 Draft SoP, Bylaw and S155

Appendix 2 Draft Consultation Document

South Wairarapa District Council Proposed Longwood Water Race Bylaw Statement of Proposal

The proposal, at a glance

South Wairarapa District Council (**Council**) is proposing a new bylaw to help protect and manage Featherston's Longwood water race network. The new bylaw is proposed for several reasons, including that:

- the former bylaw, the Longwood Water Race Bylaw 1936, expired a few years ago; and
- in light of recent legislative changes, a new bylaw is considered necessary and appropriate in order to provide a modern, clear and practical framework to regulate the network.

This statement of proposal describes the Longwood water race network, the reasons for the proposal, the options considered by the Council and sets out other relevant information.

What is the Longwood water race network?

The Longwood water race is a network of water races that extends for around 40 kilometres in the rural Featherston area. It supplies water to approximately 62 properties.

Water races have served local communities for more than a century. While many were originally constructed to provide water supply for livestock (and since then land uses have changed), they continue to support farming across the district and are an important part of our rural infrastructure.

The Longwood water race network is an important community asset with a long history of supporting agricultural productivity and rural development. It supports stock water supply, contributes to rural resilience during dry periods, assists with land management and drainage functions, and forms part of the district's historic water infrastructure network.

The regulation of water races has typically been achieved through bylaws adopted by local authorities. For the Longwood water race network, the Longwood Water Race Bylaw 1936 provided the primary legal and regulatory framework that addressed the operation and protection of the network. That bylaw expired a few years ago, which has led to this proposal to put in place a new bylaw.

What is a water race?

A water race is a natural or artificial channel (other than a river) designed to convey water to be used for stock water purposes. A water race network may compromise various channels, control structures, race crossings, culverts, pipes and pumps to operate and manage the network.

Multiple connected water races including any branch races and associated infrastructure that convey water from a natural source are collectively referred to as a water race network.

The primary function of the Council's water race networks is to provide a reliable supply of water for livestock. In some locations, the networks also provide ancillary benefits, including land drainage, stock water distribution, environmental values, and support for rural land management activities.

Why is a new bylaw needed?

Water races require regular and ongoing maintenance in order to remain operational. This includes vegetation control, race cleaning, sediment removal, structure maintenance, inspections, repairs and management of access across private land.

The Longwood water race network passes through many privately owned properties, meaning that ongoing operation and future sustainability depends on cooperation between Council, landowners and water users. Ongoing maintenance is required by all affected property owners to ensure water can flow effectively through the race network, and that infrastructure such as intakes, control structures, race crossings, culverts and associated assets remains operational and safe. While there are offences in the Local Government Act 2002 relating to water races, and cooperation between Council and landowners generally works well, additional rules are needed to support and control maintenance and activities, so that the risk of damage to the races or risks that affect operation are reduced.

Council collects a targeted rate for water races which takes into the account the provision or availability of a water race on rural properties. Rates funding pays for Council contractors to carry out operations and maintenance at intakes and on publicly owned stretches to protect the water race system, which is why it's important for Council to be able to require landowners, if necessary, to maintain their part of the water race network.

With the former bylaw having expired, and considering broader changes to New Zealand's water management arrangements, Council considers that developing a new bylaw presents an opportunity to replace the former historic bylaw with a clear, consistent and workable framework that transparently sets out Council's expectations for how the water race network is to be managed.

Review of Water Race Code of Practice

In parallel with consultation on the proposed Longwood Water Race Bylaw, the Council intends to review and update its existing Water Race Code of Practice, which services Longwood water race and Moroa water race. While the proposed Water Race Bylaw must be adopted in accordance with the statutory consultation and decision-making requirements in the Local Government Act 2002, the review of the Code of Practice is a separate process and is not subject to the same legislative requirements. Accordingly, Council intends to seek feedback on the Code of Practice though a more informal engagement process.

As part of this process, Council intends to directly engage with water race users and other interested stakeholders to seek feedback on the practical operation, maintenance, and management of the water race network.

The current Water Race Code of Practice will remain in effect during this review. User feedback and operational experience will help inform the development of an updated Code of Practice, ensuring it remains practical, fit for purpose, and aligned with the objectives of the proposed bylaw. While the bylaw will establish the regulatory framework for the water race network, the Code of Practice will provide detailed guidance on its day-to-day operation and administration.

Feedback received on the Code of Practice will be considered as part of a separate Code of Practice review and will not form part of the Council's decision making process on the proposed Longwood Water Race Bylaw.

What are we proposing?

Council is proposing to make a new Longwood Water Race Bylaw 2026, under section 146 of the Local Government Act 2002.

The proposed bylaw seeks to recognise the differing uses and benefits derived from the Longwood water race network while establishing a clear and consistent framework for the management, protection, and maintenance of that network. The proposed Bylaw will assist Council to:

- protect water infrastructure and community investment in the Longwood water race network
- maintain access for inspection, maintenance and repairs
- prevent damage, obstructions and contamination
- support the safe and efficient operation of the networks
- provide greater certainty for water race users and adjoining landowners
- support the long-term sustainability and resilience of the water race network.

Risks of not adopting a new bylaw

Without appropriate regulation in place, these issues have the potential to adversely affect the reliability, safety and efficiency of the water race network and could result in increased maintenance and operational costs for both Council and water race users. The intention is not to change the purpose of the water races, but to provide a clear and modern framework for managing them.

What options were considered?

Option 1: Adopt a new bylaw (Council's preferred option)

Council's preferred option is to adopt a new bylaw for the Longwood water race network.

A bylaw would establish a clear, consistent, transparent and enforceable framework for the management and protection of the water race network. It would establish a consistent approach for the Longwood water race network and provide Council with the ability to regulate activities that may damage, obstruct, contaminate, or interfere with the operation of the water race.

Council considers this to be the most practical and effective way of managing these important assets in the long term with practical mechanisms to prevent, manage and remedy non-compliance.

Council believes this option provides the best balance between protecting important infrastructure, supporting water race users and managing costs for ratepayers. It would help ensure that these historic networks continue to serve rural communities for many years to come.

Option 2: Continue without a bylaw

Council could continue managing the network through existing practices, taking action if an offence is committed under section 228 of the Local Government Act 2002, and using a voluntary code of practice that would provide guidance to landowners, occupiers and users regarding maintenance standards, operational requirements and expected behaviours. However, the code of practice would not create legally enforceable obligations.

While this option would avoid reintroducing rules via a bylaw, it would only be guidance, and Council would need to rely on voluntary compliance. Council would have limited ability to respond when damage occurs, when access is needed, or when activities interfere with the operation of the water races. Council considers this option would not provide sufficient protection for the networks.

Option 3: Use an Operational Policy and individual agreements

Another option would be to manage the network through an operational policy and agreements with individual water race users. It could establish service levels, maintenance responsibilities, access arrangements and cost recovery mechanisms while remaining flexible.

This approach could help clarify expectations for those who enter into agreements with Council. However, policies are not generally enforceable against all landowners or occupiers, and user agreements only apply to parties who have entered into an agreement with Council.

While the operational policy and user agreement model would improve the understanding of the relationship between the Council and water race users and provide greater clarity than the status quo as to operational matters, it would not provide a comprehensive regulatory framework to protect the network or manage activities undertaken by parties who are not signatories to an agreement.

Council considers this option would improve some aspects of the management of the network but would still leave significant gaps.

Council also considered a consolidated by law for both the Longwood and Moroa water races to apply across both networks. However, it was determined that the Moroa Water Race network requires additional provisions and considerations due to its larger scale area, complexity and the greater number of properties potentially affected approx. 306.

As a result, a separate bylaw will be proposed to ensure the unique characteristics and management requirements of each network are appropriately addressed.

Section 155 tests

Council must consider three legal tests in section 155 of the Local Government Act 2002 when reviewing or creating bylaws. Council considered these tests and decided that the proposed Bylaw is:

- the best available way to fix the problems;
- the best available form of bylaw; and
- creates no implications under the New Zealand Bill of Rights Act (NZBORA)

A full assessment of the options under section 155 is attached to this statement of proposal.

Proposed Draft Longwood Water Race Bylaw:

SOUTH WAIRARAPA DISTRICT COUNCIL
Kia Reretahi Tātau

Longwood Water Race Bylaw 2026

Date of Approval	[0] December 2026
Next Review	[0] December 2036
Business Owner	Group Manager, Infrastructure & Community Operations
Version History	1.0

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Background to the Bylaw

The Longwood Water Race (**Water Race**) is a significant infrastructure asset that supplies water for stock watering purposes in the Longwood Water Race area. The Water Race comprise open water races, branches, culverts, bridges, dams, pipes and associated structures traversing rural land.

The continued operation of the Water Race depends on maintaining water quality, ensuring unobstructed water flow, preserving access for maintenance, and protecting associated infrastructure from damage or inappropriate use. The Water Race also provide environmental and drainage functions and operate alongside resource consents administered by Greater Wellington Regional Council.

The Bylaw is made under the Local Government Act 2002 and provides a framework for managing and regulating activities that may affect the Water Race. It clarifies the obligations of landowners and occupiers with a water race passing through or adjoining their land and enables the Council to undertake actions necessary to maintain and protect the Water Race for current and future users.

1. Title and Commencement

1.1 This bylaw is the South Wairarapa District Council Longwood Race Bylaw 2026.

1.2 1.1 This bylaw comes into force on [10] January 2027.

2. Purpose

2.1 The purpose of this bylaw is to manage and regulate the Longwood race by providing for:

a) The use of water supplied through the water race.
b) The control of activities occurring within or near the water race that may affect water quality, water flow, public safety, fish passage, maintenance access, or infrastructure integrity.
c) The maintenance responsibilities of landowners and occupiers where the water race pass through or adjoin their land.
d) Powers for the Council to manage, maintain, improve and regulate the water race.
e) Enforcement measures and penalties for non-compliance with the bylaw.

3. Scope

3.1 This bylaw applies to the part of the Council's district that comprises the Longwood water race area as shown in schedule one.

3.2 This bylaw does not guarantee the availability, quantity, continuity or quality of water supplied through the water race and does not limit any obligations or powers arising under other applicable legislation, resource consents or regulatory requirements.

4. Explanatory notes

4.1 Sections headed 'Explanatory notes' in this bylaw are for information purposes only, and

a) do not form part of this bylaw; and
b) may be inserted, amended or removed without any formality.

5. Definitions

5.1 These definitions apply to all parts of this bylaw, unless stated otherwise, or the context otherwise requires.

Explanatory note: Refer to www.legislation.govt.nz for legislation referred to in this Bylaw.

Authorised Officer:	means any person appointed by South Wairarapa District Council to be an authorised officer for the purpose of this bylaw.
Bylaw:	means this bylaw as amended from time to time.
Council:	means South Wairarapa District Council and includes any officer delegated to exercise the authority of the Council.
Farming purposes:	means the provision of water for stock to drink.
Livestock:	includes but is not limited to horses, sheep, dairy cows, and cattle.
Owner or Occupier:	means the owner or occupier of land in the Longwood water race area as recorded as such in the valuation roll of the district.
Person:	means a natural person, corporation sole or a body of persons whether corporate or otherwise.
Road:	means a road as defined by the Local Government Act 1974
Water Race Area	is the area of land through which the Longwood water race run and any land within five (5) metres of any branch of the Longwood water race, as shown in schedule one.
Water Race:	has the same meaning as in section 5(1) of the Local Government Act 2002 and means the land occupied by a water channel (other than a main river) - (a) constructed: • by or under the authority of a local authority: • in, upon, or through land for the supply of water; and (b) to be used: • solely or principally for farming purposes; or • in the case of an existing water race, for any other purpose for which water from that water race may be used at the commencement of this section; and (c) includes: • a branch of a water race taken or made through land for the purpose of supplying water as referred to in paragraph (b); and • an alteration, extension, or widening of a water race or branch water race, whether done by the local authority or by any Person with the approval of the local authority; and • a flood or other bank, or a dam, sluice, flume, bridge, gauge, meter, reservoir, or other waterworks relating to, or forming part of, a water race; and

- buildings and machinery, pipes, and other materials on the land and within the limits of a water race or relating to, or used in connection with, a water race.

6. Conditions of Use

6.1 **Permitted Uses:**
Without any further reference to the Council:

6.1.1 Water from a water race may be used for stock water purposes.

6.2 **Prohibited Activities / Uses:**
A Person must not permit, allow or do any of the following:

6.2.1 Any of the activities listed as an offence in section 228 of the Local Government Act 2002, or that damages a water race and is an offence under section 232 of the Local Government Act 2002.

6.2.2 Allow any domestic bird to stray into the water race.

6.2.3 Ride, drive or lead any animals or propel, draw or convey any vehicle or chattels into, across, or through a water race except at the bridges, culverts or crossing places provided by the Council or constructed with the Council's authorisation.

6.2.4 Allow cuttings, clippings, twigs, branches or any other part of any tree or plant or any part of any fence to fall into or remain in the water race.

6.2.5 Draw off water either by gravity or pumping, or divert any water from a water race other than for stock water without the authorisation of Council

6.2.6 Allow, either wilfully or through neglect, any pipe or other apparatus on their property for which they are responsible to be out of repair so that water supplied from a water race is wasted.

6.2.7 Obstruct any crossing point over a water race.

6.2.8 Erect any building or structures of any kind or any size within five (5) metres of either side of any Water Race without the written authorisation of the Council, and any other consents that may be required under any other legislation.

Explanatory note: Offences in the Local Government Act 2002 which are relevant to water races include section 228 (specific to water races) and section 232 (damage to council works and property, including water races). The activities which are offences listed in section 228 are:

a) commits a nuisance in or near a water race; or
b) without being authorised to be supplied with water from a water race, takes water from the supply provided to another Person; or
c) is supplied with water from a water race and—
    i. supplies that water to another Person who is not authorised to be supplied with water from a water race; or
    ii. permits another Person who is not authorised to be supplied with water from a water race to take water from the water race; or
d) bathes or washes clothing or other things in, or throws an animal, refuse, litter, or debris into, a water race; or
e) takes machinery through or across a water race, except at an appointed crossing place; or
f) obstructs by any means the flow of water in a water race; or

g) permits vegetation or other matter to grow or spread from land that Person occupies—
   i. into, on, or over a water race; or
   ii. into, on, or over land reserved or used for a water race; or
   iii. into, on, or over land where the vegetation or other matter is likely to obstruct the flow of water in a water race; or
h) directly or indirectly pollutes or causes to be polluted the water in a water race or in a watercourse used for supplying water to a water race in a manner that—
   i. is offensive; or
   ii. makes the water a danger to human health; or
i) allows livestock that the Person owns or controls to trespass on to—
   i. a water race; or
   ii. a watercourse used for supplying water to a water race; or
j) carries out work on, or in relation to, a water race or structure, apparatus, or other thing—
   i. connected with a water race; or
   ii. used in supplying water to, or to distribute water from, a water race, without first—
      A. notifying the local authority of the intention to carry out the work; and
      B. obtaining written authorisation from the local authority, with terms or conditions the local authority thinks fit.

6.3 Consent Process:

If authorisation from the Council is required under this bylaw, the following process applies:

6.3.1 Any Person doing, or proposing to do, anything or to cause any condition to exist for which authorisation is required, must first obtain authorisation from the Council or an Authorised Officer.

6.3.2 Any authorisation is deemed to be provided in compliance with this Bylaw if it is issued by an Authorised Officer, and every authorisation is subject to such conditions as may be imposed.

6.3.3 Unless this Bylaw provides otherwise, every authorisation must be in such form as may be prescribed from time to time by the Council.

6.3.4 Unless this Bylaw provides otherwise, authorisation is not transferable and will not authorises any Person other than the holder of the authorisation to act in any way under its terms or conditions.

7. Maintenance

7.1 **Owner and Occupier Obligations**

Every owner or occupier of land on which there is a water race must:

7.1.1 Keep the water race, including any piped sections of the race, in good order and condition and free from all silt, weeds, vegetation of all kinds, and from all other rubbish and obstructions of all kinds at their own cost.

7.1.2 Keep and maintain the sides, banks, and other earthworks of the water race in such a condition as to prevent or mitigate any overflow, leakage or waste of water.

7.1.3 Allow any authorised officer or Council approved contractor to have access to the water race:

7.1.3.1 for the purpose of gathering information for water quality audits of the water race.

7.1.3.2 (with or without machinery) for the purpose of maintaining, cleaning or improving the water.

7.2 **Removal of Debris**

After cleaning a water race or clearing or removing any debris from a water race or from the banks or sides of a race the owner or occupier of the land is to, without delay, and at their own cost and expense, remove any and all debris from both sides of the water race in such a manner and to such a distance from the water race as may be necessary to both:

7.2.1 Prevent the materials from re-entering the water race; and

7.2.2 To allow access to the water race by any plant and machinery necessary to clean the water race.

8. Powers of Council

8.1.1 The Council may give notice in writing to an owner or occupier, to carry out any work that is required of them under this bylaw or remove or alter a work or thing that is, or has been, constructed in breach of this bylaw. If the owner or occupier fails, neglects or refuses to comply with any notice within the time specified in the notice, the Council may exercise the powers available to it under section 186 of the Local Government Act 2002.

Explanatory note: Section 163 of the Local Government Act 2002 provides powers for the Council to remove works and recover costs constructed in breach of a bylaw. Section 186 of the Local Government Act 2002 provides powers for the Council to do any work it has required an owner or occupier to do, where the owner or occupier has failed to do the work, or is not proceeding with the work quickly enough. If the Council does the work, it can recover its costs from the owner or occupier, and that cost can be recovered as a debt (under section 252 of the Local Government Act 2002). If the Council takes steps under section 186 that does not mean the Person is excused from any other penalty that may apply for their failure to comply.

8.1.2 Nothing in this bylaw restricts the Council's ability to manage the Longwood water race.

8.1.3 The Council may impose restrictions on the use of water from a water race, including when there are forecasted extreme weather conditions.

Explanatory note: The Council sets rates under the Local Government (Rating) Act 2002 which help fund the water race system. These rates apply to every owner or occupier of land within the water race area.

9. Offences and Penalties

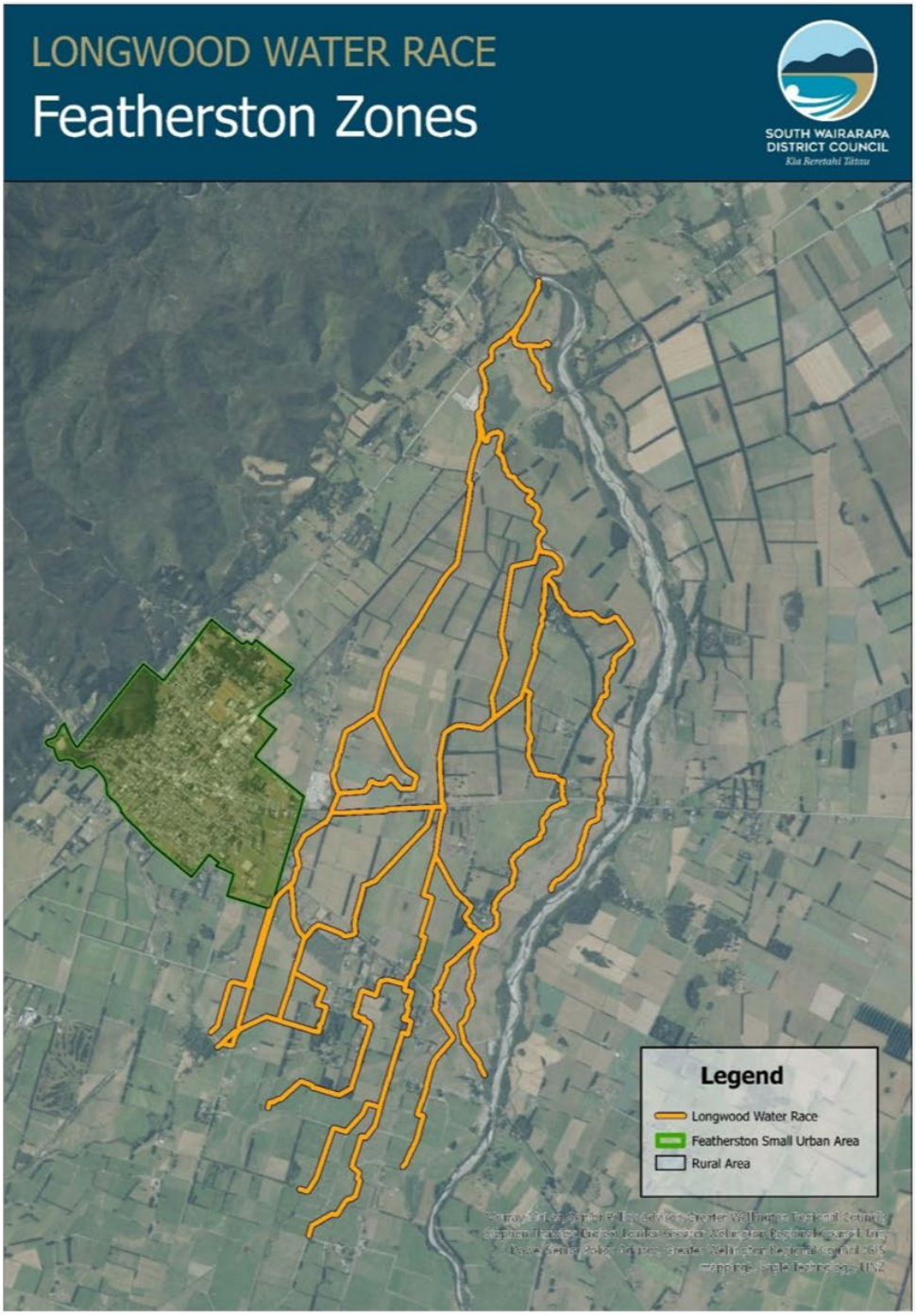
10.1 Every person breaches this bylaw who fails to comply with any requirement in this bylaw.

10.2 Every person commits an offence if they breach this bylaw and may be liable on conviction to a fine not exceeding $20,000.

Explanatory note: Anyone who breaches this bylaw commits an offence under s 239 of the Local Government Act 2002 and the potential penalty is provided for in section 242(4) of the Local Government Act 2002. In addition to any penalty imposed by any court for a breach of this bylaw, the Council may recover the costs of any damage to the water race in accordance with sections 175 or 176 of the Local Government Act 2002

Schedule One

Map of Longwood Water Race Area.



14

Section 155 Assessment - Local Government Act 2002

Proposed Longwood Water Race Bylaw

Purpose of Assessment

Under section 155 of the Local Government Act 2002, before making a bylaw the Council must determine:

1. Whether a bylaw is the most appropriate way of addressing the perceived problem.
2. Whether the proposed bylaw is in the most appropriate form.
3. Whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

This assessment has been undertaken in relation to the proposed Water Race Bylaw governing the operation, management and protection of the Longwood Water Race systems.

Step 1: Identification of the Perceived Problem

Problem Statement

The Longwood Water Race system is important infrastructure that continues to provide stock water, support rural land use activities, and contribute to wider community and environmental outcomes.

Council has identified a number of management and operational challenges associated with these water race systems, including:

- Damage to water race infrastructure.
- Unauthorised access and works.
- Obstructions, sediment build-up and vegetation encroachment.
- Interference with water flows.
- Public health and safety risks.
- Uncertainty regarding user and landowner responsibilities.
- Increasing maintenance and renewal costs associated with ageing infrastructure.
- The need to provide clear operational and enforcement powers to ensure ongoing management of the networks.

Although there are offences relating to water rates in section 228 of the Local Government Act 2002, without a separate regulatory framework, Council's ability to effectively manage and protect the water race systems may be compromised, potentially leading to increased operational costs, reduced service levels and greater risks to public safety and infrastructure.

Conclusion	A clearly identified problem exists that requires Council intervention.	☒ Yes ☐ No

Step 2: Is a Bylaw the Most Appropriate Way to Address the Problem?

Options Considered

Option one: Water Race Bylaw (Preferred Option)

Advantages

- Creates enforceable obligations for landowners and occupiers.
- Provides a clear legal basis for managing activities affecting water race.

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- Can prohibit activities that damage, obstruct, pollute, or interfere with water race.
- Enables compliance and enforcement action where required.
- Provides greater certainty and consistency.
- Creates clear responsibilities for adjacent landowners.
- Better protects public infrastructure assets and drainage networks.
- Provides stronger protection against activities that could create flooding or operational risks.
- Requires formal consultation and statutory process, which allows the Council to run a robust process and allows for community input.
- Decisions and requirements are less vulnerable to challenge because the regulatory framework is clearly established.
- Can be supported by infringement offences or prosecution provisions where legislation permits.

Disadvantages

- More expensive and time-consuming to develop.
- More difficult to amend once in force.
- Can be perceived as overly regulatory by affected landowners.
- Requires ongoing enforcement and administration resources.
- Risk of challenge if provisions exceed Council's statutory powers.

Assessment

A Water Race Bylaw would effectively address the identified issues by providing a clear, district-wide and enforceable framework for the management and protection of the water race network. It would apply consistently to all affected landowners, occupiers, users, and third parties, and would establish clear obligations regarding access, maintenance, obstructions, structures, and activities that may affect the network. Unlike a Code of Practice, policy, or user agreement model, a bylaw provides enforcement mechanisms and greater certainty regarding rights and responsibilities. It enables Council to proactively manage risks, protect infrastructure, and address non-compliance where required.

Option two: Status Quo (No Bylaw/Code of Practice only)

Advantages

- Lower implementation and administration costs than developing and maintaining a bylaw.
- Provides practical guidance for landowners, occupiers, and Council staff.
- Can include detailed technical standards and operational requirements.
- Easy to amend and update as circumstances change.
- Retains flexibility to respond to individual situations.
- Avoids imposing additional regulatory requirements on landowners.
- Can support consistent operational practices where parties are willing to cooperate.
- May be sufficient where the water race network is small, low risk, or largely managed through voluntary arrangements.
- No regulatory burden.
- No administration or enforcement costs associated with a bylaw.

Disadvantages

- No legal mechanism to compel compliance with the Code of Practice.
- Unclear or limited ability to require landowners to maintain structures, crossings, or vegetation.
- No offences or enforcement powers for some water race-related activities, if not covered by an offence in section 228 of the Local Government Act 2002.
- Reliance on voluntary compliance may lead to inconsistent outcomes.
- Increased potential for disputes regarding responsibilities and maintenance obligations.
- Limited ability to prevent obstructions, unauthorised works, contamination, or interference before issues arise.
- Greater risk of deterioration of the network where responsibilities are unclear.
- Reduced certainty for Council, landowners, and occupiers regarding rights and obligations.
- More reactive than proactive, with issues often addressed only after damage or operational problems occur.
- May not provide sufficient protection where the network serves important drainage, flood management, stockwater, environmental, or infrastructure functions.

Assessment

The status quo would not adequately address the identified issues. A Code of Practice or informal operational guidance may assist in setting expectations and encouraging good management practices, but it does not provide enforceable obligations, district-wide consistency, or mechanisms to address non-compliance. As a result, it would have limited effectiveness in protecting water race infrastructure, managing access and maintenance issues, preventing obstructions or damage, and mitigating flooding and drainage risks across the network.

Option three: Operational Policy and User Agreements

Advantages

- Provides a clear statement of Council's objectives, service levels, and management approach.
- Establishes transparent expectations for users, landowners, and Council staff.
- Can define maintenance responsibilities, inspection regimes, access arrangements, and operational procedures.
- More flexible and easier to update than a bylaw.
- Can be tailored to reflect local circumstances and changing community needs.
- User agreements can set out specific obligations for individual users, including maintenance contributions, livestock water access, crossings, and operational requirements.
- User agreements provide greater clarity between Council and users regarding rights, responsibilities, and cost allocation.

- Enables Council to recover costs or manage service delivery through contractual arrangements where users receive a direct benefit from the water race network.
- Can assist in managing water allocation, access permissions, and maintenance obligations in a structured manner.
- Lower compliance and administration costs than a bylaw.
- Encourages collaborative management between Council and users.

Disadvantages

- The policy itself is not generally legally enforceable against landowners or occupiers.
- User agreements only bind those parties who have signed the agreement and do not automatically apply to all landowners or users.
- Difficulties may arise where ownership changes and agreements are not transferred or renewed.
- Limited ability to address issues caused by parties who are not subject to a user agreement.
- Cannot generally create offences or regulatory controls over activities affecting the water race network.
- Relies on contractual enforcement, which can be time-consuming and costly if disputes arise.
- May create inconsistency where different users have different agreement terms.
- Does not provide the same level of certainty or network-wide protection as a bylaw.
- Limited ability to manage third-party activities, unauthorised works, obstructions, or interference affecting the water race.
- May not adequately address broader public safety, drainage, flood management, or infrastructure protection issues.

Assessment

Although an operational policy supported by user agreements provides a structured framework for managing relationships with water race users, it cannot provide district-wide protection and enforcement mechanisms. User agreements only apply to those parties who have entered into an agreement with Council and cannot impose obligations on all landowners, occupiers, or other persons whose actions may affect the water race network. While such agreements may effectively address matters such as service levels, maintenance responsibilities, access arrangements, and cost recovery, they do not provide a comprehensive regulatory framework for protecting water race infrastructure, preventing unauthorised activities, managing flood and drainage risks, or ensuring consistent obligations across the district.

Determination	Council considers that a bylaw is the most appropriate way of addressing the perceived problem because it provides a consistent, transparent and enforceable framework for the management and protection of the Longwood Water Race systems.	☒ Appropriate ☐ Not Appropriate

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Comparative Summary				
Criteria	**No Framework**	**Code of Practice**	**Policy**	**Bylaw**
Legally enforceable	No	No	No	Yes
Creates obligations	No	No	No	Yes
Creates offences	No	No	No	Yes (where authorised)
Provides strategic direction	Low	Low	High	Medium
Provides technical guidance	None	High	Medium	Low-Medium
Easy to amend	N/A	High	High	Low
Administrative cost	Very Low	Low	Low	High
Regulatory certainty	Low	Low	Medium	High
Compliance powers	None	None	Limited	Strong
Infrastructure protection	Low	Limited	Moderate	High
Risk management	Low	Moderate	Moderate	High

Step 3: Is the Proposed Bylaw in the Most Appropriate Form?

Assessment Criteria

Consideration	**Assessment**
Clarity	The bylaw clearly defines rights, obligations and responsibilities.
Accessibility	The bylaw will be publicly available and easily understood by users and landowners.
Enforceability	Compliance and enforcement provisions provide certainty and practicality.
Proportionality	Requirements are no more restrictive than necessary to achieve their purpose.
Consistency	The bylaw aligns with Council's statutory functions and operational practices.
Flexibility	The bylaw can accommodate future operational requirements and changing circumstances.

Assessment

A standalone Water Race Bylaw, with the clauses as proposed in the draft bylaw provides the greatest degree of clarity, transparency and accessibility for affected persons and is considered to be in the most appropriate form.

Determination	Council considers the proposed Water Race Bylaw is in the most appropriate form.	☒ Appropriate ☐ Not Appropriate

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Step 5: New Zealand Bill of Rights Act 1990 Assessment

New Zealand Bill of Rights Acts 1990:

Council is required to consider whether the proposed bylaw is consistent with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990.

Any restrictions imposed by the bylaw must be:

- Rationally connected to the purpose of the bylaw.
- Proportionate to the issues being addressed.
- No more restrictive than reasonably necessary.

Officers have considered the proposed Water Race Bylaw against the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990. There do not appear to be any rights in that Act that would be affected by this Bylaw. If there were any rights affected, officers consider that the proposed bylaw does not unreasonably limit individual rights or freedoms because it is directed towards legitimate public safety, infrastructure protection and operational objectives.

The proposed bylaw is intended to protect and manage the water race network, provide certainty regarding responsibilities, and prevent activities that may adversely affect the operation of the network. The bylaw applies only to activities that have the potential to impact the water race system and is no broader than reasonably necessary to achieve its purpose. Any limitations on individual rights are considered reasonable and proportionate, having regard to the need to protect public infrastructure, manage drainage and flooding risks, and ensure the effective operation of the water race network.

Accordingly, Officers consider that the proposed bylaw does not give rise to any material inconsistency with the New Zealand Bill of Rights Act 1990.

Determination	The proposed Water Race Bylaw does not appear to be inconsistent with the New Zealand Bill of Rights Act 1990.	☒ Not Inconsistent ☐ Potential Inconsistency Identified

Officer Recommendation

Officers are satisfied that:

1. A problem exists that requires Council intervention.
2. A bylaw is the most appropriate way of addressing the perceived problem.
3. The proposed Water Race Bylaw is in the most appropriate form.
4. The proposed Water Race Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Accordingly, officers recommend that Council proceed with consultation on the proposed Water Race Bylaw in accordance with section 156 of the Local Government Act 2002.

SOUTH WAIRARAPA DISTRICT COUNCIL
Kia Reretahi Tātau

DRAFT

Longwood Water Race Bylaw 2026

Consultation Document



Have your say before 5pm 9 November 2026

South Wairarapa District Council is proposing a new bylaw to help ensure the continued effective and sustainable operation of the Longwood Water Race network.

The proposed bylaw will provide a clear framework for activities that affect the water race, helping to support its ongoing operation, reliability and maintenance for current and future users.

This document describes the Longwood water race network, the reasons for the proposal, the options considered by the Council and sets out other relevant information. We invite you to read more and share your thoughts on how we can maintain and support the long-term sustainability of this valuable asset now and into the future.

Kia ora, welcome

South Wairarapa District Council (**Council**) is proposing a new bylaw to help protect and manage Featherston's Longwood water race network. The new bylaw is proposed for several reasons, including that:

- the former bylaw, the Longwood Water Race Bylaw 1936, expired a few years ago; and
- in light of recent legislative changes, a new bylaw is considered necessary and appropriate in order to provide a modern, clear and practical framework to regulate the network.

The Longwood water race is a network of water races that extends for around 40 kilometres in the rural Featherston area. It supplies water to approximately 62 properties.

Water races have served local communities for more than a century. While many were originally constructed to provide water supply for livestock (and since then land uses have changed), they continue to support farming across the district and are an important part of our rural infrastructure.

The Longwood water race network is an important community asset with a long history of supporting agricultural productivity and rural development. It supports stock water supply, contributes to rural resilience during dry periods, assists with land management and drainage functions, and forms part of the district's historic water infrastructure network.

The regulation of water races has typically been achieved through bylaws adopted by local authorities. For the Longwood water race network, the Longwood Water Race Bylaw 1936 provided the primary legal and regulatory framework that addressed the operation and protection of the network. That bylaw expired a few years ago, which has led to this proposal to put in place a new bylaw.

What is a water race?

A water race is a natural or artificial channel (other than a river) designed to convey water to be used for stock water purposes. A water race network may compromise various channels, control structures, race crossings, culverts, pipes and pumps to operate and manage the network.

Multiple connected water races including any branch races and associated infrastructure that convey water from a natural source are collectively referred to as a water race network.

The primary function of the Council's water race networks is to provide a reliable supply of water for livestock. In some locations, the networks also provide ancillary benefits, including land drainage, stock water distribution, environmental values, and support for rural land management activities.

Why is a new bylaw needed?

Water races require regular and ongoing maintenance in order to remain operational. This includes vegetation control, race cleaning, sediment removal, structure maintenance, inspections, repairs and management of access across private land.

The Longwood water race network passes through many privately owned properties, meaning that ongoing operation and future sustainability depends on cooperation between Council, landowners and water users. Ongoing maintenance is required by all affected property owners to ensure water can flow effectively through the race network, and that infrastructure such as intakes, control structures, race crossings, culverts and associated assets remains operational and safe.

While there are offences in the Local Government Act 2002 relating to water races, and cooperation between Council and landowners generally works well, additional rules are needed to support and control maintenance and activities, so that the risk of damage to the races or risks that affect operation are reduced.

Council collects a targeted rate for water races which takes into the account the provision or availability of a water race on rural properties. Rates funding pays for Council contractors to carry out operations and maintenance at intakes and on publicly owned stretches to protect the water race system, which is why it's important for Council to be able to require landowners, if necessary, to maintain their part of the water race network.

With the former bylaw having expired, and considering broader changes to New Zealand's water management arrangements, Council considers that developing a new bylaw presents an opportunity to replace the former historic bylaw with a clear, consistent and workable framework that transparently sets out Council's expectations for how the water race network is to be managed.

We prepare bylaws for our community when we think it's necessary to:

- protect the public from nuisance and damage to landscape and significant areas;
- maintain, promote and protect public health and safety, or
- minimise the potential for offensive behaviour in public places.

What will happen with my feedback?
After consultation closes, Council will review all feedback. Councillors will consider what people have told us before deciding whether to proceed with, change, or not proceed with the proposal.

Supporting documents
We encourage you to read this document, the proposed bylaw and the supporting information to help inform your submission.

Find out more by visiting haveyoursay.swdc.govt.nz/water-races-bylaw

What are we proposing?

Council is proposing to make a new Longwood Water Race Bylaw 2026, under section 146 of the Local Government Act 2002.

The proposed bylaw seeks to recognise the differing uses and benefits derived from the Longwood water race network while establishing a clear and consistent framework for the management, protection, and maintenance of that network.

The proposed Bylaw will assist Council to:

- protect water infrastructure and community investment in the Longwood water race network
- maintain access for inspection, maintenance and repairs
- prevent damage, obstructions and contamination
- support the safe and efficient operation of the networks
- provide greater certainty for water race users and adjoining landowners
- support the long-term sustainability and resilience of the water race network.

Risks of not adopting a new bylaw

Without appropriate regulation in place, these issues have the potential to adversely affect the reliability, safety and efficiency of the water race network and could result in increased maintenance and operational costs for both Council and water race users. The intention is not to change the purpose of the water races, but to provide a clear and modern framework for managing them.



What options were considered?

Option 1: Adopt a new bylaw (Council's preferred option)

Council's preferred option is to adopt a new bylaw for the Longwood water race network. A bylaw would establish a clear, consistent, transparent and enforceable framework for the management and protection of the water race network. It would establish a consistent approach for the Longwood water race network and provide Council with the ability to regulate activities that may damage, obstruct, contaminate, or interfere with the operation of the water race.

Council considers this to be the most practical and effective way of managing these important assets in the long term with practical mechanisms to prevent, manage and remedy non-compliance.

Council believes this option provides the best balance between protecting important infrastructure, supporting water race users and managing costs for ratepayers. It would help ensure that these historic networks continue to serve rural communities for many years to come.

Option 2: Continue without a bylaw

Council could continue managing the network through existing practices, taking action if an offence is committed under section 228 of the Local Government Act 2002, and using a voluntary code of practice that would provide guidance to landowners, occupiers and users regarding maintenance standards, operational requirements and expected behaviours. However, the code of practice would not create legally enforceable obligations.

While this option would avoid reintroducing rules via a bylaw, it would only be guidance and Council would need to rely on voluntary compliance. Council would have limited ability to respond when damage occurs, when access is needed, or when activities interfere with the operation of the water races. Council considers this option would not provide sufficient protection for the networks.

Option 3: Use an Operational Policy and individual agreements

Another option would be to manage the network through an operational policy and agreements with individual water race users. It could establish service levels, maintenance responsibilities, access arrangements and cost recovery mechanisms while remaining flexible.

This approach could help clarify expectations for those who enter into agreements with Council. However, policies are not generally enforceable against all landowners or occupiers, and user agreements only apply to parties who have entered into an agreement with Council.

Option 3 continued...
While the operational policy and user agreement model would improve the understanding of the relationship between the Council and water race users and provide greater clarity than the status quo as to operational matters, it would not provide a comprehensive regulatory framework to protect the network or manage activities undertaken by parties who are not signatories to an agreement.

Council considers this option would improve some aspects of the management of the network but would still leave significant gaps.

What about the Moroa water race?

Council also considered a consolidated by law for both the Longwood and Moroa water races to apply across both networks.

However, it was determined that the Moroa Water Race network requires additional provisions and considerations due to its larger scale area, complexity and the greater number of properties potentially affected approx. 306.

Section 155 tests

Council must consider three legal tests in section 155 of the Local Government Act 2002 when reviewing or creating bylaws. Council considered these tests and decided that the proposed Bylaw is:

- the best available way to fix the problems;
- the best available form of bylaw; and
- creates no implications under the New Zealand Bill of Rights Act (NZBORA)

A full assessment of the options under section 155 is attached to this statement of proposal.

Review of Water Race Code of Practice
Alongside this consultation on the proposed bylaw, Council intends to review and update the existing Water Race Code of Practice. As part of this process, Council will engage with both Longwood and Moroa water race users and other interested stakeholders to seek feedback on the practical operation, maintenance and management of the water race network.

The current Code of Practice will remain in effect during this review. User feedback and operational experience will help inform the development of an updated Code of Practice, ensuring it remains practical, fit for purpose and aligned with the objectives of the proposed bylaw. While the bylaw will establish the regulatory framework for the water race network, the Code of Practice will provide detailed guidance on its day-to-day operation and administration.

Frequently asked questions

Why is Council proposing a new bylaw?
The existing Longwood Water Race Bylaw 1936 has expired.

Council believes a modern, fit-for-purpose bylaw is needed to help protect the network, clarify responsibilities, manage damage and unauthorised works, and ensure the race can continue operating effectively into the future.

Why isn't Council including the Moroa Water Race in the proposed Bylaw?
It was determined that the Moroa Water Race network requires additional provisions and considerations due to its larger scale area, complexity and the greater number of properties potentially affected (306).

As a result, a separate approach is proposed to ensure the unique characteristics and management requirements of each network are appropriately addressed.

How will the bylaw be enforced?
Council's preferred option includes enforceable rules that can be used where activities damage, obstruct, contaminate or interfere with the operation of the water races.
In most situations Council's approach will focus on education, communication and resolving issues collaboratively. Enforcement tools are intended to address situations where significant risks, damage or non-compliance occur. Relevant enforcement powers are provided under the Local Government Act 2002.

What maintenance does Council currently undertake?
Council currently carries out maintenance and operational activities on the public sections of the water race networks and at the Tauwharenīkau River intakes. This includes:

- Restoring water flow where issues occur
- Clearing races and removing blockages
- Removing sediment build-up
- Inspecting infrastructure and network assets
- Managing access arrangements across private land where required for public safety purposes

These activities help ensure water continues to flow safely, reliably, and efficiently throughout the network. Maintenance work is delivered by Council's contracted service provider, Pope & Gray Contractors Ltd, with oversight from Council's Infrastructure and Community Operations team.

Note: Council's maintenance responsibilities are primarily limited to the public sections of the water race network.

What responsibilities do landowners have?
Landowners whose properties contain or adjoin a water race play an important role in helping protect the network. They remain responsible for maintaining private races, structures, and infrastructure located on their own property. Practical guidance in the existing code of practice remain in effect, whilst this is being reviewed you can keep informed on our website, and you can also find guidance from GWRC online here: Greater Wellington — Water races

FAQ's continued

What are the changes to bylaw?
Minor changes in the bylaw itself can be found in the supporting documents section of the consultation here: haveyoursay.swdc.govt.nz/water-race-bylaw

Are resource consents still required?
Yes. A bylaw does not replace those requirements under regional rules or resource consents. Anyone considering works that affect a water race, river intake, culvert, crossing, drainage feature or adjacent waterway should seek advice before commencing work.

More information can be found on the GWRC website here Greater Wellington — Water races.

Can landowners fence, or plant beside a water race?
Yes. You may be eligible for funding support through Greater Wellington Regional Council's grant scheme for wetland protection which offer up to 50% of the cost for advice, fencing removing pest plants or reintroducing natives. Further information and guidance can be found online at Greater Wellington — Wetland restoration funding and support

Does the Longwood water race have historical significance?
The water race itself does not hold national historic designation from Heritage New Zealand. However, it carries significant cultural, ecological and historical value, through it's connection to Longwood Homestead Estate as it was engineered in the 19030's to transform dry pastureland around Featherston into viable dairy and livestock farms.

What consultation activities are planned?
Council is proposing a range of engagement opportunities throughout the consultation period, including; Drop-in sessions, online information and submissions, and the opportunity to speak at our hearings.

How does this impact the Water Races Code of Practice?
The proposed Longwood Water Race Bylaw and the Code of Practice are separate documents that serve different functions. The bylaw will establish the regulatory framework for the management of the water race network, while the Code of Practice will provide guidance on its day-to-day operation and administration.

Read more frequently asked questions and other consultation documents online:
haveyoursay.swdc.govt.nz/water-race-bylaw

Have your say

We want to hear from you about what you think about the proposed Longwood Water Race Bylaw 2026, including any suggested changes or considerations you would like us to take into account. Supporting information, including FAQs, can also be found on our website.

How to share your feedback

Please share your feedback between 12 October and 5pm, 9 November 2026.

Online (preferred)
Visit haveyoursay.swdc.govt.nz/water-race-bylaw and complete the online survey.

Paper form
Fill in this paper form and return it to

- Any South Wairarapa library
- Council office at 19 Kitchener Street Martinborough
- Post: PO BOX 6, Martinborough 5741, addressed to 'Water Race Bylaw feedback'

Email
haveyoursay@swdc.govt.nz subject line 'Water Race Bylaw feedback'

Present
You can present your feedback verbally at a hearing, with or without making a written submission first, in person or via a live or recorded statement. Let us know in your feedback form if you wish to do a verbal presentation in person or online.

Timeline

- 12 October – 9 November 2026 | Consultation period
- 19 November | Hearings
- 26 November | Deliberations
- January 2027 | Longwood Water Race Bylaw 2026 in effect if adopted by Council

Submission form

This submission form allows you to provide feedback on the South Wairarapa District Council Longwood Water Race Bylaw. Tell us what you think between 12 October and 5pm 9 November 2026. You can drop this form into any of the South Wairarapa Libraries, or email it to haveyoursay@swdc.govt.nz

Privacy Statement

Your name and feedback will be in public documents. All other personal details will remain private. The Privacy Act 2020 applies when we collect personal details. Any details that are collected will only be used for the purposes stated. You have the right to access and correct any personal information we hold.

Your details

First and last name **(required)** _____

Email address **(required)** _____

Phone number _____

Which ward do you live in? **(required)**
Martinborough / Greytown / Featherston / Outside of district

Do you have a water race through your property, or adjoining? Yes / No

Are you submitting on behalf of an organisation? Yes / No
› if yes, which organisation?

Do you wish to speak to your submission at Hearings on 19 November? Yes / No
Please ensure you include your email address and phone number above

_____

SOUTH WAIRARAPA DISTRICT COUNCIL
Kia Reretahi Tātau

Submission form

We want to hear from you about what you think about the proposed Longwood Water Race Bylaw 2026, including any suggested changes or considerations you would like us to take into account. Supporting information, including FAQs, can also be found on our website.

Question one

Do you support the proposed Longwood Water Race Bylaw 2026?

Yes / No / Unsure

Final comments

Please tell us the reasons for your view and any considerations you would like Council to take into account during deliberations.

Thank you for taking the time to share your feedback with us

SOUTH WAIRARAPA DISTRICT COUNCIL
Kia Reretahi Tātau

SOUTH WAIRARAPA DISTRICT COUNCIL
Kia Reretahi Tātau

Longwood Water Race Bylaw 2026

DRAFT for consultation

Date of Approval	
Next Review	
Business Owner	
Version History	1.0

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Background to the Bylaw

The Longwood Water Race (Water Race) is a significant infrastructure asset that supplies water for stock watering purposes in the Longwood Water Race area. The Water Race comprise open water races, branches, culverts, bridges, dams, pipes and associated structures traversing rural land.

The continued operation of the Water Race depends on maintaining water quality, ensuring unobstructed water flow, preserving access for maintenance, and protecting associated infrastructure from damage or inappropriate use. The Water Race also provide environmental and drainage functions and operate alongside resource consents administered by Greater Wellington Regional Council.

The Bylaw is made under the Local Government Act 2002 and provides a framework for managing and regulating activities that may affect the Water Race. It clarifies the obligations of landowners and occupiers with a water race passing through or adjoining their land and enables the Council to undertake actions necessary to maintain and protect the Water Race for current and future users.

1. Title and Commencement

1.1 This bylaw is the South Wairarapa District Council Longwood Race Bylaw 2026.
1.2 This bylaw comes into force on [10] January 2027.

2. Purpose

2.1 The purpose of this bylaw is to manage and regulate the Longwood race by providing for:

1. The use of water supplied through the water race.
2. The control of activities occurring within or near the water race that may affect water quality, water flow, public safety, fish passage, maintenance access, or infrastructure integrity.
3. The maintenance responsibilities of landowners and occupiers where the water race pass through or adjoin their land.
4. Powers for the Council to manage, maintain, improve and regulate the water race.
5. Enforcement measures and penalties for non-compliance with the bylaw.

3. Scope

3.1 This bylaw applies to the part of the Council's district that comprises the Longwood water race area as shown in schedule one.

3.2 This bylaw does not guarantee the availability, quantity, continuity or quality of water supplied through the water race and does not limit any obligations or powers arising under other applicable legislation, resource consents or regulatory requirements.

4. Explanatory notes

4.1 Sections headed 'Explanatory notes' in this bylaw are for information purposes only, and

a) do not form part of this bylaw; and
b) may be inserted, amended or removed without any formality.

5. Definitions

5.1 These definitions apply to all parts of this bylaw, unless stated otherwise, or the context otherwise requires.

Explanatory note: Refer to www.legislation.govt.nz for legislation referred to in this Bylaw.

Authorised Officer:	means any person appointed by South Wairarapa District Council to be an authorised officer for the purpose of this bylaw.
Council:	means South Wairarapa District Council and includes any officer authorised to exercise the authority of the Council.
Farming Purposes:	means the provision of water for stock to drink.
Livestock:	includes but is not limited to horses, sheep, dairy cows, and cattle.
Owner or Occupier:	means eans the owner or occupier of land in the Longwood water race area as recorded as such in the valuation roll of the district.
Person:	means a natural person, corporation sole or a body of persons whether corporate or otherwise.
Road:	means a road as defined by the Local Government Act 1974
Water Race Area:	is the area of land through which the Longwood water race run and any land within five (5) metres of any branch of the Longwood water race, as shown in schedule one.
Water Race:	has the same meaning as in section 5(1) of the Local Government Act 2002 and means the land occupied by a water channel (other than a main river) - (a) constructed: • by or under the authority of a local authority: • in, upon, or through land for the supply of water; and (b) to be used: • solely or principally for farming purposes; or • in the case of an existing water race, for any other purpose for which water from that water race may be used at the commencement of this section; and (c) includes: • a branch of a water race taken or made through land for the purpose of supplying water as referred to in paragraph (b); and • an alteration, extension, or widening of a water race or branch water race, whether done by the local authority or by any Person with the approval of the local authority; and • a flood or other bank, or a dam, sluice, flume, bridge, gauge, meter, reservoir, or other waterworks relating to, or forming part of, a water race; and • buildings and machinery, pipes, and other materials on the land and within the limits of a water race or relating to, or used in connection with, a water race.

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6. Conditions of Use

6.1 **Permitted Uses**
Without any further reference to the Council:
6.1.1
Water from a water race may be used for stock water purposes.

6.2 **Prohibited Activities / Uses**
A Person must not permit, allow or do any of the following:
6.2.1
Any of the activities listed as an offence in section 228 of the Local Government Act 2002, or that damages a water race and is an offence under section 232 of the Local Government Act 2002.
6.2.2
Allow any domestic bird to stray into the water race.
6.2.3
Ride, drive or lead any animals or propel, draw or convey any vehicle or chattels into, across, or through a water race except at the bridges, culverts or crossing places provided by the Council or constructed with the Council's authorisation.
6.2.4
Allow cuttings, clippings, twigs, branches or any other part of any tree or plant or any part of any fence to fall into or remain in the water race.
6.2.5
Draw off water either by gravity or pumping, or divert any water from a water race other than for stock water without the authorisation of Council
6.2.6
Allow, either wilfully or through neglect, any pipe or other apparatus on their property for which they are responsible to be out of repair so that water supplied from a water race is wasted.
6.2.7
Obstruct any crossing point over a water race.
6.2.8
Erect any building or structures of any kind or any size within five (5) metres of either side of any Water Race without the written authorisation of the Council, and any other consents that may be required under any other legislation.

Explanatory note: Offences in the Local Government Act 2002 which are relevant to water races include section 228 (specific to water races) and section 232 (damage to council works and property, including water races).

The activities which are offences listed in section 228 are:
a) commits a nuisance in or near a water race; or
b)without being authorised to be supplied with water from a water race, takes water from the supply provided to another Person; or
c) is supplied with water from a water race and—
i) supplies that water to another Person who is not authorised to be supplied with water from a water race; or
ii) permits another Person who is not authorised to be supplied with water from a water race to take water from the water race; or
d) bathes or washes clothing or other things in, or throws an animal, refuse, litter, or debris into, a water race; or
e) takes machinery through or across a water race, except at an appointed crossing place; or
f) obstructs by any means the flow of water in a water race; or
g) permits vegetation or other matter to grow or spread from land that Person occupies—
i) into, on, or over a water race; or
ii) into, on, or over land reserved or used for a water race; or
iii) into, on, or over land where the vegetation or other matter is likely to obstruct the flow of water in a water race; or

h) directly or indirectly pollutes or causes to be polluted the water in a water race or in a watercourse used for supplying water to a water race in a manner that—
i) is offensive; or
ii) makes the water a danger to human health; or
i) allows livestock that the Person owns or controls to trespass on to—
i) a water race; or
ii) a watercourse used for supplying water to a water race; or
j) carries out work on, or in relation to, a water race or structure, apparatus, or other thing—
i)connected with a water race; or
ii)used in supplying water to, or to distribute water from, a water race, without first—
A. notifying the local authority of the intention to carry out the work; and
B. obtaining written authorisation from the local authority, with terms or conditions the local authority thinks fit.

6.3 **Consent Process**
If authorisation from the Council is required under this bylaw, the following process applies:
6.3.1
Any Person doing, or proposing to do, anything or to cause any condition to exist for which authorisation is required, must first obtain authorisation from the Council or an Authorised Officer.
6.3.2
Any authorisation is deemed to be provided in compliance with this Bylaw if it is issued by an Authorised Officer, and every authorisation is subject to such conditions as may be imposed.
6.3.3
Unless this Bylaw provides otherwise, every authorisation must be in such form as may be prescribed from time to time by the Council.
6.3.4
Unless this Bylaw provides otherwise, authorisation is not transferable and will not authorises any Person other than the holder of the authorisation to act in any way under its terms or conditions.

7. Maintenenance

7.1 **Owner and Occupier obligations**
Every owner or occupier of land on which there is a water race must:
7.1.1
Keep the water race, including any piped sections of the race, in good order and condition and free from all silt, weeds, vegetation of all kinds, and from all other rubbish and obstructions of all kinds at their own cost.
7.1.2
Keep and maintain the sides, banks, and other earthworks of the water race in such a condition as to prevent or mitigate any overflow, leakage or waste of water.
7.1.3
Allow any authorised officer or Council approved contractor to have access to the water race:
- for the purpose of gathering information for water quality audits of the water race. (with or without machinery)
- for the purpose of maintaining, cleaning or improving the water.

7.2 **Removal of Debris**
After cleaning a water race or clearing or removing any debris from a water race or from the banks or sides of a race the owner or occupier of the land is to, without delay, and at their own cost and expense, remove any and all debris from both sides of the water race in such a manner and to such a distance from the water race as may be necessary to both:
- Prevent the materials from re-entering the water race; and
- To allow access to the water race by any plant and machinery necessary to clean the water race.

8. Powers of Council

8.1 The Council may give notice in writing to an owner or occupier, to carry out any work that is required of them under this bylaw, or remove or alter a work or thing that is, or has been, constructed in breach of this bylaw. If the owner or occupier fails, neglects or refuses to comply with any notice within the time specified in the notice, the Council may exercise the powers available to it under section 186 of the Local Government Act 2002.

Explanatory note: Section 163 of the Local Government Act 2002 provides powers for the Council to remove works and recover costs constructed in breach of a bylaw. Section 186 of the Local Government Act 2002 provides powers for the Council to do any work it has required an owner or occupier to do, where the owner or occupier has failed to do the work, or is not proceeding with the work quickly enough. If the Council does the work, it can recover its costs from the owner or occupier, and that cost can be recovered as a debt (under section 252 of the Local Government Act 2002). If the Council takes steps under section 186 that does not mean the Person is excused from any other penalty that may apply for their failure to comply.

8.2 Nothing in this bylaw restricts the Council's ability to manage the Longwood water race.

8.3 The Council may impose restrictions on the use of water from a water race, including when there are forecasted extreme weather conditions.

Explanatory note: The Council sets rates under the Local Government (Rating) Act 2002 which help fund the water race system. These rates apply to every owner or occupier of land within the water race area.

9. Offences and Penalties

9.1 Every person breaches this bylaw who fails to comply with any requirement in this bylaw.

9.2 Every person commits an offence if they breach this bylaw and may be liable on conviction to a fine not exceeding $20,000.

Explanatory note: Anyone who breaches this bylaw commits an offence under s 239 of the Local Government Act 2002 and the potential penalty is provided for in section 242(4) of the Local Government Act 2002. In addition to any penalty imposed by any court for a breach of this bylaw, the Council may recover the costs of any damage to the water race in accordance with sections 175 or 176 of the Local Government Act 2002

Schedule One - map of Longwood Water Race Area



8 DECISION REPORTS FROM CHIEF EXECUTIVE AND STAFF

8.1 MAKING AND ATTESTING OF MEMBER'S DECLARATION

Author: **Amy Andersen, Lead Advisor, Democracy and Committees**

Authoriser: **Janice Smith, Chief Executive Officer**

File Number: **N/A**

PURPOSE

To ratify the making and attesting of declaration of a new elected member to South Wairarapa District Council.

EXECUTIVE SUMMARY

A by-election was required to fill an extraordinary vacancy for the Featherston General Ward, following the resignation of Colin Olds. Peter Biggs was elected on 2 October 2026.

Elected members take up office on the day after the official declaration of the election results being publicly notified (final results were declared on 5 October 2026). However, they cannot make any decisions or otherwise act as a member until they have made an oral declaration and a written declaration in the form set out in Schedule 7, Clause 14 of the Local Government Act 2002.

The Mayor will receive and witness the declaration of Council member Peter Biggs at this meeting.

RECOMMENDATIONS

That Council*:*

1. Receive the Making and Attesting of Member's Declaration Report for the 8 October 2026 meeting.
2. Note that Peter Ronald Francis Biggs cannot act as a member of the South Wairarapa District Council until he has made the oral declaration and signed the written declaration in the form required by clause 14, Schedule 7 of the Local Government Act 2002.
3. Note that Mayor Wilde will receive and witness the declaration of Council member Peter Ronald Francis Biggs at the Extraordinary meeting on 8 October 2026.

BACKGROUND

The Local Government Act 2002, Schedule 7, Clause 14 requires the membership of the South Wairarapa District Council to make oral declarations as well as a written declaration before they can act as a member of the Council.

The declaration is as follows:

Declaration by mayor or chairperson or member - English

"I, *[Name]*, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [*region or district*], the powers, authorities, and duties vested in, or imposed upon, me as [*mayor or member*] of the [*local authority*] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at: [*place, date*]

Signature:

Signed in the presence of:

[Name], [*mayor or member or chief executive of local authority*]".

Declaration by mayor or chairperson or member – Te Reo

Ko ahau, ko [NAME], e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o ōku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te Wairarapa ki te tonga hei kaikaunihera o te Kaunihera-a-rohe o Te Wairarapa ki te tonga, e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei.

He mea whakaū tēnei ki te whare o Waihinga i tēnei rā, e waru o Oketopa i te tau rua mano tekau mā ono.

Waitohu:

Waitohu mai ki mua i a:

[Ingoa], [*mayor or chairperson or member or chief executive of local authority*]".

COMPLIANCE SCHEDULE

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

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 the options in terms of their advantages and disadvantages; 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 Māori 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 - Compliance with procedures in relation to decisions.

Compliance requirement	**Staff assessment**
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is a matter of low significance. The community would expect newly elected members to make the declarations as is legally required.

State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the Long Term Plan) that relate to this decision.	Clause 14, Schedule 7 of the Local Government Act 2002.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications for Māori.
Chief Financial Officer review	The Chief Financial Officer has not reviewed this report. There are no financial implications or costs associated with this report.
State the possible implications for health and safety	There are no health and safety implications.

APPENDICES

Nil

9 PUBLIC EXCLUDED BUSINESS

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATIONS

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution	Plain English reason for passing this resolution in relation to each matter
9.1 - Report from People and Performance Committee - Chief Executive Contract	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7	Relates to the private employment details of the CE.

10 KARAKIA WHAKAMUTUNGA – CLOSING