

Ōpaki Water Race High-Level Summary of Submitter Feedback

Overall Sentiment

There is strong opposition to closing the Ōpaki Water Race. Of the 58 submissions received, 51 submitters identified as ratepayers and 7 as non-ratepayers.

Key Themes Raised by Submitters

Importance of the Water Race

The water race is considered critical for operating businesses and supporting livestock. Submitters state that alternative water sources are not suitable, with insufficient quantity or reliability for their needs. If the water race is stopped, some businesses and farming operations may no longer be viable, potentially resulting in business closures and landholders relocating elsewhere.

Property Value, Heritage, and Community Identity

Many submitters purchased their properties specifically because the water race was present. The race is seen as adding significant value to properties, alongside its historic heritage, and is viewed as an important part of the identity and character of the Ōpaki area.

Water Resilience and Firefighting

There are ongoing concerns about firefighting capability and water resilience. Submitters note that tanks may not provide enough water during fire events, particularly in summer and with climate-related changes. Reliable access to water is seen as increasingly important for preparedness.

Environmental and Ecosystem Values

The water race has been in place for over 100 years and is considered part of the established natural ecosystem. It supports native and non-native fish species and eels, contributes flow to other bodies of water in the district, and supports wetlands. Closure is seen as potentially disruptive to these systems.

Process and Timing Concerns

Many submitters believe the process has been rushed, particularly with a proposed closure in June. There is frustration that previous commitments made when closure decisions were announced, such as dams or alternative water schemes, have not been delivered or have proven inappropriate. Much of this criticism is directed at Council.

Council Management and Maintenance

Submitters raise concerns about Council's management of the water race, including poor maintenance, increased conflict, staff turnover, inadequate responses to low-flow events, seasonal shutdowns, and limited response to flood damage.

Information Gaps and Cost Uncertainty

There is consistent feedback that there is not enough information available to support decision-making. While cost estimates for remedial works were included in consultation material, submitters note there are no firm or transparent figures.

Paying Rates and Fairness

Rates and User Equity

Some submitters no longer use the water race or have invested in alternative water sources but continue to pay water race rates. Many acknowledge the need for a fair transfer of ownership or operating model to support the race into the future.

Perceptions of Inefficiency

Some submitters view the water race as wasteful or inefficient, particularly given recent flow challenges.

User-Pays and Alternative Rating Models

There is some support for a user-pays system, often discussed as an opt-in or opt-out model where those who do not use the race could opt out of paying rates. Submitters raise questions about how costs should be shared, whether by business type, land area, or water usage.

Fair Use and Cost Allocation

Submitters discuss what constitutes fair use of the race and appropriate charging. Reference is made to historical documentation, including a 1999 letter outlining water take limits for a particular user and subsequent correspondence where these limits may not have been adhered to. Commonly stated principles include that paying for unavailable water is unethical, costs should reflect actual use and dependency, larger high-stock farms should pay more, lifestyle or amenity users should pay less but not zero, and commercial irrigation users should not be subsidised by stock water users.

Governance and Management Models

There is strong interest in shared or cooperative governance models rather than full divestment by Council. A commonly supported approach is Council retaining responsibility for consents, land access, and rating powers, while a user's committee manages day-to-day maintenance and operations. There is concern that a fully user-run entity would lack the legal powers required, making Council involvement essential. There is also broad support from both those in favour of closure and those opposed to use any extension period to support the transfer of consents to a user's committee.

Opposition to Consent Extension

Some respondents oppose extending the consent, arguing it would subsidise users who have not installed alternative water systems or who use the race for non-stock commercial purposes such as irrigation. There is tension between long-term users who acted on earlier closure decisions and newer or commercial users seeking continued access. Submitters call for transparent budgets, cost-benefit analysis, and projected financial information before decisions are made.

Ethical Considerations

Submitters commonly describe it as unethical to charge rates for a water service that no longer delivers water or to withdraw a long-standing service without affordable alternatives in place. There is a strong expectation that Council has an obligation to assist users in securing water, even if governance arrangements change. Several submitters describe the consultation as presenting closure as a *fait accompli* rather than a genuinely open discussion.

Legal Commentary

Submitters raise legal concerns, including that properties were purchased with a reasonable expectation of ongoing water access, the water race predates modern regulatory regimes, and long-standing payment of rates created a social contract. Closure without mitigation is framed as *de facto* property value destruction, regulatory taking, or a breach of legitimate expectation.

Some submitters explicitly reference potential property devaluation, compensation, and seeking legal advice.

Other Identified Risks

Submitters warn of broader consequences of closure, including increased groundwater extraction and aquifer stress, uncoordinated private bores and river takes, loss of future horticultural potential, fragmented and inequitable outcomes, ongoing costs to maintain or decommission the race regardless of closure, and ecological impacts associated with eel relocation and habitat loss.