

## **Statement of Proposal for Consultation:**

### **Water Services Bylaw 2026**

**Gore District Council**

## Summary of Information

### Our Proposal

Gore District Council is proposing to amend the 2015 Water Supply Bylaw, and we are consulting with the community and seeking feedback on the draft Bylaw. We need to make these changes to enable us to continue to appropriately manage water services by the Council or any future Water Organisation.

The draft Bylaw broadly covers the same content as the 2015 Bylaw and the 2018 amendment to the Bylaw. We have made some key changes following a review of the Bylaw to update it to align with the Local Government (Waters Services) Act (LGWSA).

These changes are summarised in the next section.

### Content of the draft Bylaw 2026

The Bylaw addresses the protection of water supply, conditions of supply, and a range of miscellaneous provisions relating to breaches, offences, penalties, transfers, enforcement, and fees and charges.

The main changes from the previous Bylaw are:

- Incorporating the changes from the 2018 amendment to the 2015 Bylaw throughout the 2026 Bylaw rather than in a separate schedule.
- Changes to the Introduction (including definitions) to align with the LGWSA, update references to standards and legislation, and required the ongoing review of the Bylaw.
- Updates to the conditions of supply to align with the National Engineering Design Standards and the LGWSA, Council notice requirements, and water restriction levels.
- Amendments to fire prevention and backflow provisions to align with current standards and legislation.
- Altering Council equipment, metering, and supply requirements to cross reference the LGWSA and adding a clause relating to on selling of bulk water delivery.
- Amendments to the miscellaneous provisions relating to breaches and offences to align with the LGWSA and adding a clause to allow Council to take fees.
- Modernising the maps in the Schedules and adding the Water Use Restrictions Schedule from the 2018 Bylaw amendment into the 2026 Bylaw as Schedule 6.

The content of the previous and draft bylaw amendments is compared in the following Table.

| Water Bylaw 2015 | Draft Water Services Bylaw 2026 | Key Changes                                                                                                                                                                                                                                                                           |
|------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Introduction     |                                 |                                                                                                                                                                                                                                                                                       |
|                  | Section 1 Introduction          | Amend the title to the Gore District Council Water Services Bylaw 2026 and note that 2018 amendments have been incorporated into the Bylaw<br><br>References to infringement provisions have been updated to align with the current enforcement processes and the Infringement Office |
| 1.4 scope        | 1.4 scope                       | Updated to align with the Water Services Act 2026. Outdated legislation and standards have been replaced with current water services regulations, including updated drinking water, fire, engineering, and subdivision requirements.                                                  |
| 1.5              | 1.5 List of schedules           | Include reference to water use restrictions schedule from 2018 Bylaw amendment as Schedule 6.                                                                                                                                                                                         |
| 1.71             | 1.6                             | Definitions previously contained in the Water Services Bylaw 2015 have been reviewed and updated to align with current legislation as follows:<br><br>New definitions of consumer, hazardous substances, safe                                                                         |

|                             |                                                                                                                                     |                                                                                                                                                                                                                                                      |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                                                                                                                     | <p>drinking water, and Water Services.</p> <p>Definition of Act, sufficient quantity, authorised officer, backflow, infringement offence, point of supply, Water Supply System and working day are updated</p> <p>Definition of Potable removed.</p> |
| 1.7.3                       | 1.6                                                                                                                                 | Updated to align with current legislative references, including section 156 of the Local Government Act 2002.                                                                                                                                        |
|                             | New Clause 1.7 ongoing review                                                                                                       | A new clause introducing ongoing review requirements for the Bylaw has been added.                                                                                                                                                                   |
| <b>Conditions of Supply</b> |                                                                                                                                     |                                                                                                                                                                                                                                                      |
| Application for Supply      | New 3.1 connection to water main, 3.2 Three step connection approval, and 3.3 Compliance with National Engineering design standards | Provisions have been expanded to include additional detail and requirements about the approval process and alignment with the National Engineering Design Standards and LGWSA                                                                        |
| Access to Point of Supply   | 3.6.1 Rights of Access                                                                                                              | Replaced with restructured and expanded Rights of Access provisions to align with the LGWSA                                                                                                                                                          |
| Metering                    | 3.7.3 Metering                                                                                                                      | Updated to include Council notice requirements for metering from 2018 Bylaw Amendment                                                                                                                                                                |

|                                               |                                |                                                                                                                                                                                                                                                       |
|-----------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                               |                                | and delete limitations on reasonable grounds.                                                                                                                                                                                                         |
| 3.6.3 Demand Management                       | Clause 3.9.4 Demand Management | Updated to align with LGWSA noting that Water restriction levels have been significantly revised and modernised to reflect current approach to water management as part of the 2018 Bylaw amendment.                                                  |
| <b>Fire Protection and Backflow</b>           |                                |                                                                                                                                                                                                                                                       |
| 3.9 Backflow Prevention                       | Clause 3.12                    | <p>References to the Health Act 1956 have been removed. Provisions now align with the Building Act 2004.</p> <p>Additional clauses clarify customer responsibilities and compliance requirements to align with current legislation and standards.</p> |
| <b>Council Equipment, Metering and Supply</b> |                                |                                                                                                                                                                                                                                                       |
| 3.10 Council Equipment and Inspection         | Clause 3.13                    | Renumbered and updated to cross reference relevant sections of the LGWSA                                                                                                                                                                              |
| 3.11 Meters and Flow Restrictors              | Clause 3.14                    | Removing reference to LGA provisions relating to the prevention of waste and adding a clause relating to on selling of bulk delivery of water.                                                                                                        |

| Miscellaneous and Enforcement          |                                                                                |                                                                                                               |
|----------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 4.1 Breaches of Conditions of Supply   | Clause 4.1                                                                     | Updating breach clause to reference LGWSA rather than LGA requirements                                        |
| 4.2 Offences and Breaches of the Bylaw | Clause 4.2                                                                     | Updating offences clause to reference LGWSA rather than LGA requirements                                      |
| Penalties and Powers                   |                                                                                |                                                                                                               |
| 4.4 Penalties for Breach               | Clause 4.4                                                                     | Updated to reflect Subpart 3 offence provisions of the LGWSA                                                  |
|                                        | New Clause 4.12 Fees and Charges                                               | New clause introduced to allow Council to take fees.                                                          |
| Schedules                              |                                                                                |                                                                                                               |
| Schedules 1-5                          | Schedule 6 has been relocated into the Schedules from the 2018 Bylaw Amendment | Maps have been modernised, and Schedule 6 has been relocated into the Schedules from the 2018 Bylaw Amendment |

The Introduction (section 1) outlines the scope and definitions. This section is largely the same as the 2015 Bylaw apart from updates to the scope, definitions, and the requirement for an ongoing review of the Bylaw to reflect recent statutory changes.

Section 2 covers the protection of water supply and involves minor changes to address grammatical errors.

Section 3 covers Conditions of Supply with amendments to the approval process and alignment with the National Engineering Design Standards and the LGWSA as well as amendments to the Rights of access and demand Management clauses to align with the LGWSA and best practice. Changes are also proposed to the metering clause to include council notice requirements.

Section 4 covers miscellaneous provisions which include breaches of conditions of supply, offences and breaches of the Bylaw, interference with equipment, penalties, removal of works, transfers, serving orders and notices, delegation and appeal, dispensing power, forms and fees and charges. Amendments are focused on updating the breach and offences clauses to align with the LGWSA requirements as well as a new clause allowing Council to take fees and charges. Remaining changes are to the schedules which modernise the maps and relocate the Water Use Restrictions schedule from the 2018 Bylaw amendment into schedule 6.

### **Purpose of the Bylaw**

The primary purpose of the Water Services Bylaw is to manage the supply of water to its customers by the Council or Water Organisations to regulate the matters outlined below. The controls are to maintain health and safety, to protect the public from nuisance and to protect the water network from damage and to run efficiently and effectively.

### **Legal framework**

The Local Government (Water Services) Act 2025 (LGWSA) gives councils the power to make bylaws regulating the following matters:

- Connections to or disconnections from the water network
- Trade waste
- Managing the stormwater network
- Recommendations in a source water risk management plan
- Provision of water services
- Conserving drinking water
- Discharging domestic waste and sewage
- The use of equipment or devices for providing water services

Bylaws can be enforced by Council officers, water organisations and for some breaches, the Police.

The Water Supply Bylaw 2015 (WSB) sat under the LGA. It addressed protection of source water, conditions of supply, levels of service, continuity of supply, liability, fire protection connection, backflow prevention, Council equipment and inspection, meters and flow restrictors, and miscellaneous provisions relating to breaches of conditions of supply, as well as direction on offences and breaches of the bylaw, interference with equipment, penalties, removal of works,

transfer of permits, serving of orders and notices, officers to continue in office, delegation and appeal, dispensing power, and forms.

The WSB also includes a number of schedules covering examples of point of supply location and installation, open and controlled catchment areas, and water demand trigger levels. The 2026 draft amendments to the Bylaw largely cover the same material but update the Bylaw to reflect the LGWSA 2025, national standards, best practice, and the current approach to demand management for water supply.

## Options

Council considered two options for a Water Services Bylaw.

| Option                                       | Advantages                                                                                                                  | Disadvantages                                                                                  |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Option 1 Do nothing                          | Fewer demands on Council and submitter time and resources.                                                                  | The existing Bylaw will be misaligned with best practice, national direction, and legislation. |
| Option 2 – Review and adopt an updated bylaw | Enables Council to manage water supply in a way that is consistent with best practice, national direction, and legislation. | Requires time and resources of Council and submitters.                                         |

### Chosen Option 2: Review and adopt an updated bylaw

This option gives Council the opportunity to retain the content of the previous Bylaw while providing clearer guidance on matters such as water demand management and the approval process. The draft amendments to the Bylaw aim to make it more user-friendly while remaining fit for its purpose. We have also taken the opportunity to amend it as per the changes outlined above.

Choosing this option means the Council remains consistent with its approach of regulating water services with a Bylaw.

When Council is making or reviewing bylaws, we must consider three matters:

- is the bylaw necessary?
- is it the most appropriate form of a bylaw?
- are there any implications under the New Zealand Bill of Rights Act 1990?

## Appropriateness of bylaw

Council has determined that a bylaw is the most appropriate way to manage water services in the Gore District as it allows Council to manage a wide range of services in a simple and efficient manner.

## Form of bylaw

Council has also determined that the Bylaw is the most appropriate form because it:

- will provide consistency and ease of use for national and local operators due to alignment with national standards, legislation, and best practice
- is easier to use and interpret due to additional clarity around definitions, demand for water supply, and the decision making
- is more cost-effective because it allows Council to make minor changes to schedules without having to complete a full review avoids the need for periodic reviews, thereby saving time and money for Council and submitters
- retains the full ability for Council to manage what we need to for the safe and efficient management of water, and
- retains opportunities for public participation.

## Consistency with the New Zealand Bill of Rights

The only right or freedom that the Council considers could potentially be impinged upon by the bylaw is the freedom of movement associated with managing behaviour around source water and catchment areas. However, the Bylaw reasonably and appropriately limits the impacts on rights that people have to freedom of movement to very limited water source areas. The Bylaw sets standards for water management that are about enabling safe provision of water. In this regard these are reasonable standards as they are necessary for the safe and efficient functioning of the water network, which is a public good, and the changes proposed are necessary for the benefit of all.

The promulgation of an amended Bylaw will follow a democratic and transparent process that affords full opportunity for stakeholder input. Council will notify its intentions publicly and provide opportunity for interested parties to contribute. The hearing and consideration of submissions will be transparent and open, and final amendments to the Bylaw will be publicly communicated.

In summary the Council considers the Bylaw is consistent with the Bill of Rights Act. This will be considered again after any significant amendments to the Bylaw as a result of the consultative process.

Following the prescribed special consultative procedure set out in section 83 of the LGA 2002, the Council will consider the final draft of the proposed bylaw and reconsider whether there are any New Zealand Bill of Rights Act 1990 implications.

## Consultation and Submission

In making, amending, or revoking a bylaw, Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002. Council has prepared and adopted the proposed Bylaw for public consultation. Any person can make a submission on the proposed Bylaw, and we invite you to have your say.

A copy of the Statement of Proposal, including the proposed Bylaw and information about making a submission can be obtained from the Council website [www.goredc.govt.nz](http://www.goredc.govt.nz).

Submissions can be made online via the Council's website or alternatively submission forms and the Statement of Proposal are available at the Council Offices in the Civic Administration Building, or any of the district libraries.

Copies may also be obtained by telephoning Council's Customer Service Centre, (03) 209 0330.

Submitters should advise whether they wish to be heard in support of their submission. Council will advise submitters on the date and location of hearings.

Submitters are advised that all submissions will be made available to the public.

Submissions on the proposal close at 5.00 pm on 3 July 2026

## Key Dates

| When              | What                                                                       |
|-------------------|----------------------------------------------------------------------------|
| 1 June 2026       | Submissions open                                                           |
| 3 July 2026       | Submissions close                                                          |
| 18 August 2026    | Hearings (for people that want to speak to their submissions)              |
| 18 August 2026    | Deliberations – Council discusses submissions and confirms or amends bylaw |
| 15 September 2026 | Council adopts final Bylaw                                                 |
| 15 September 2026 | Commencement date of Bylaw.                                                |