

**Notice of Meeting:**

I hereby give notice that an ordinary meeting of the Consultation Hearings will be held on:

**Date:** Friday 22 May 2026  
**Time:** 9:30 a.m.  
**Venue:** Council Chambers, Dunedin Public Art Gallery, The Octagon,  
Dunedin

Sandy Graham  
Chief Executive Officer

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**Hearings Committee - Bylaws and Policies**  
**Proposed Water Supply Bylaw 2026**  
**PUBLIC AGENDA**

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**MEMBERSHIP**

<b>Chairperson</b>	Cr John Chambers	
<b>Members</b>	Cr Mickey Treadwell	Cr Brent Weatherall
<b>Senior Officer</b>	David Ward, General Manager 3 Waters, Property and Urban Devt	
<b>Governance Support Officer</b>	Jean Cockram	

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Jean Cockram  
Governance Support Officer

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**Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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**1 KARAKIA TIMATANGA**

THE MEETING WILL OPEN WITH A KARAKIA TIMATANGA.

**2 APOLOGIES**

At the close of the agenda no apologies had been received.

**3 CONFIRMATION OF AGENDA**

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

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## DECLARATION OF INTEREST

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### EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

### RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

### Attachments

	<b>Title</b>	<b>Page</b>
<a href="#">↓A</a>	Register of Interests - Proposed Water Supply Bylaw 2026	5

Interest Register 7 May 2026				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr John Chambers	Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Rental Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otakau Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Opera Otago	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Settlers Association (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waikouaiti Coast Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Micky Treadwell	Director	Atawhai Interactive Tapui Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Contractor	Otago Polytechnic	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Green Party of Aotearoa	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Otaru Sister City Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Ice Sports Dunedin Incorporated (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Ōtepoti Dunedin Live Music Advisory Panel (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Te Ao Tūroa Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Peninsula Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Brent Weatherall	Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Business George Street, Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Brent Weatherall Jeweller Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Weatherall Trustee Company	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Residential Rental Properties	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Dunedin Public Art Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Keep Dunedin Beautiful (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Strath Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.



- iv) Types of supply;
  - v) Boundary backflow prevention rules.
- 6 Two matters were raised by one submitter that are out of scope.
- 7 Nine submitters indicated they wished to be heard.

## RECOMMENDATIONS

That the Committee:

- a) **Decides** whether to accept four late submissions.
- b) **Considers** the submissions and associated staff analysis and recommendations and deliberates on the amendments to the proposed Water Supply Bylaw 2026 requested by submitters both in written submissions and during the hearing.
- c) **Makes** recommendations to the Council on amendments to the proposed Water Supply Bylaw 2026.

## BACKGROUND

### The Dunedin City Council (DCC) Water Supply System

- 8 The DCC water supply serves over 45,000 properties, and comprises around 210 km<sup>2</sup> of catchment area, 21 consented water abstraction points, 9 water supply dams, 62 treated water reservoirs, over 1,700km of pipeline, 21 pumping stations and 6 water treatment plants. It is important that the Council manages use of the DCC water supply network to protect public health and safety and to manage the network efficiently.
- 9 The DCC's activities as a drinking water supplier are directed by and regulated under national-level legislation and regulations, including the Local Government (Water Services) Act 2025 (LGWSA), the Water Services Act 2021, the Water Services (Drinking Water Standards for New Zealand) Regulations 2022 and the Drinking Water Quality Assurance Rules 2022 (revised 2024).
- 10 The DCC and other council water service providers across New Zealand use bylaws to set local rules to regulate use of their water supply networks by customers and the general public. This is to protect the networks themselves, to protect the health and safety of those who use the networks, and to support councils to take the necessary actions to fulfil their duties and obligations under national-level legislation and regulations. DCC's most recent bylaw regulating water supply is the Water Bylaw 2011; that was made under the former bylaw-making powers in the Local Government Act 2002. The Council must now use the LGWSA to make water supply bylaws.

### Proposed Water Supply Bylaw 2026: background and purpose

- 11 A water supply bylaw enables a territorial authority to establish and enforce rules and requirements to protect the water supply network against damage, misuse, interference, or contamination that can pose a risk to public health and safety.
- 12 The DCC and other territorial authorities in New Zealand use bylaws to manage use of their individual water supply networks. Under the present law, a bylaw is the most feasible way to efficiently and effectively manage the use of the water supply network.
- 13 Dunedin’s existing local rules for managing the use of the DCC water supply network have been in place for many years and need updating to:
  - a) Align with the provisions of the LGWSA and the Water Services Act 2021 (and associated standards and compliance rules);
  - b) Improve clarity regarding water supply areas, control of catchment land, layout and location of points of supply, meter, boundary backflow prevention requirements and compliance enforcement.

### **Consultation on the proposed Water Supply Bylaw**

- 14 At its 24 February 2026 meeting Council approved a Statement of Proposal and draft proposed Water Supply Bylaw 2026 for public consultation purposes.
- 15 Public consultation followed for one month, beginning on 2 March 2026 and closing on 2 April 2026. Methods to inform the public about the proposal and the opportunity to make submissions included information on the DCC website, information on the DCC Public Noticeboard published in the *Otago Daily Times* on two occasions, inclusion in DCC’s Building Services March newsletter *Reinforce*, and targeted emails to a range of partners and stakeholders including representatives of the development and construction community. Paper copies of the Statement of Proposal and the proposed Bylaw were also made available in all DCC libraries and service centres. The *Otago Daily Times* and *Star* newspapers also published stories about the proposed Bylaw and the consultation in February and March. There was also a social media post on a community noticeboard.
- 16 The public could submit on the proposed Bylaw via an online form on the DCC’s website, or via email. The online form asked whether submitters supported the proposed Bylaw, supported but with amendments, opposed or were neutral. The consultation documents available included the Statement of Proposal, and a full text draft of the proposed Water Supply Bylaw 2026.
- 17 Throughout this consultation period 22 submissions were received in total comprised of:
  - 18 submissions were received during the consultation period;
  - Four late submissions were received;
  - Two submissions were from other DCC departments and subsequently have been withdrawn (and therefore these are not included in Attachment A);
  - None of the submissions support the proposed Bylaw without any changes; nine support the proposed Bylaw with amendments, three do not support the proposed Bylaw, and seven did not specify any support action;

- Nine submitters wanted to be heard;
  - 12 submissions were received via the online form. Ten submissions were received via email.
- 18 Two of the four late submissions that were received after the closing date of 2 April 2026 stated that they were not made sufficiently aware of the proposed Water Supply Bylaw 2026 or its consultation.
- 19 During the analysis of the submissions, staff identified an inconsistency between the proposed Water Supply Bylaw 2026, and the current access arrangements/DCC's Reserves and Beaches Bylaw 2017, with regard to the management of hunting and trapping in the water supply catchments. The proposed Water Supply Bylaw as drafted and consulted on referred to both "restricted" and "open catchments" being unrestricted for the purposes of hunting and trapping. However, both the current arrangements in the catchments and the Reserves and Beaches Bylaw 2017, which also applies to water catchment land, makes hunting and trapping by permission only.
- 20 *To ensure a transparent and fair process, consultation was reopened to allow an opportunity for feedback on these specific amendments prior to the submissions hearing, in accordance with section 83(3) of the Local Government Act 2002.* Given the proposed amendment only related to two clauses in the proposed Bylaw, the reopened consultation was for a short period of time and was made clear to the public that only submissions regarding changes to clauses 4.12 and 4.13 would be accepted. The proposed amendments that were consulted on were as follows:
- Remove 'hunting' and 'trapping' from clause 4.12 ('restricted' catchments);
  - Expand clause 4.13 ('open' catchments) to make clear that DCC approval is required for the purposes of hunting and trapping in open catchments.
- 21 The additional consultation ran from 29 April 2026 and closed on 10 May 2026. Methods to inform the public included information on the DCC website, social media posts, an email to all 18 initial submitters (plus four late submitters), and an email to groups identified as representing the interests of hunters and trappers in Otago. Once again, submitters were able to provide their written feedback via an online form, email, post or hand delivery. Submitters were asked to indicate whether they supported, supported with amendments, or opposed the proposed amendments to clauses 4.12 and 4.13.
- 22 Five submissions were received regarding the proposed amendment to clauses 4.12 and 4.13 relating to access for hunting and trapping during the additional consultation period. Four of these submissions opposed the amendment and one was neutral. Three submissions were via the online form and two submissions were via email. The consultation documents made available included consultation material for the dates of 29 April – 10 May 2026 and proposed wording amendments to clauses 4.12 and 4.13.

## **DISCUSSION**

- 23 A summary of the key points from all submissions along with staff analysis and recommended changes to the proposed Water Supply Bylaw 2026 are in the table in Attachment A. A marked-up version of the proposed Water Supply Bylaw 2026 showing all recommendations (with strikethrough and underline) is Attachment B.

24 Submission topics, with key issues of concern relate to:

- Section 4 of the proposed Bylaw – Protection of the Water Supply Network – in particular water supply catchment management rules. Access arrangements and types of activities permitted in both Deep Stream and Silverstream catchments were raised. Changes to address submission points are recommended along with detailed analysis in Attachment A.
- Section 5 of the proposed Bylaw – Conditions of Supply – in particular:
  - Water supply area boundaries – submissions queried the water supply area boundary and asked if any formal process is to be included for properties outside the boundary. No changes to the bylaw are recommended in relation to this topic. For analysis, please see Attachment A.
  - Application for supply – submissions questioned the three-step application process that is based on new legislative requirements. No changes to the bylaw are recommended in relation to this topic. For analysis, please see Attachment A.
  - Point of supply/Types of supply – submissions were varied across these sections. Some minor changes are recommended to the proposed Bylaw. For analysis and recommendations please see Attachment A.
  - Boundary backflow prevention rules – submitters questioned some matters relating to boundary backflow prevention rules resulting in recommended changes to the proposed Bylaw. Please see Attachment A for analysis and recommendations. The Boundary Backflow Prevention Policy is also attached for reference and information at Attachment C.

#### **Out of Scope Submission Matters**

25 Submissions raised regarding the water Bylaw 2011 were assessed as out of scope and were not considered further.

#### **OPTIONS**

##### **Option One – Proceed to make recommendations to the Council based on proposed amendments in this report.**

26 The Hearings Committee may choose to make recommendations to the Council to address matters raised by submitters based on the advice provided in this report. This would be subject to any minor amendments the Committee determines are necessary in response to matters raised by submitters at the hearing, or as agreed by the Committee during deliberations.

##### *Advantages*

- A recommendation to Council could be made promptly.

##### *Disadvantages*

- Does not allow for further work on bylaw amendments.

**Option Two – Request that staff provide further advice and draft amendments to address additional matters raised in submissions beyond what is recommended in this report.**

27 Should the Hearings Committee consider there are outstanding matters of concern raised by submitters that are not satisfactorily addressed by advice provided in this report, or during the hearing process, the Committee may request that staff further evaluate those concerns and develop additional recommended responses.

*Advantages*

- Any outstanding concerns will be considered.

*Disadvantages*

- May delay a recommendation to Council.

**NEXT STEPS**

28 Next steps are for the Hearings Committee to consider the written and verbal submissions and the associated staff analysis and advice, and to determine its recommendations to the Council on any amendments to the content of the proposed Bylaw.

**Signatories**

Author:	Katherine Quill - Policy Analyst
Authoriser:	Scott Campbell - Regulation and Policy Team Leader Jared Oliver - Planning Manager David Ward - General Manager, 3 Waters, Property and Urban Development

**Attachments**

	<b>Title</b>	<b>Page</b>
<a href="#">↓A</a>	Summary of Submission Table	15
<a href="#">↓B</a>	Proposed Marked-Up Version Water Supply Bylaw 2026	31
<a href="#">↓C</a>	Boundary Backflow Prevention Policy 2026	76

## SUMMARY OF CONSIDERATIONS

### ***Fit with purpose of Local Government***

This decision enables democratic local decision making and action by, and on behalf of communities.

### ***Fit with strategic framework***

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Future Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	✓

This report has been prepared with reference to Dunedin's strategic framework.

### ***Māori Impact Statement***

There are no specific impacts for Māori related to this report and the decisions sought. Aukaha were advised of the public consultation process. No submissions from Aukaha or rūnaka were received.

### ***Sustainability***

The proposed Bylaw is intended to enable the DCC to manage use of the water supply system in a manner that supports the long-term sustainability of the water supply system and the environment.

### ***LTP/Annual Plan / Financial Strategy /Infrastructure Strategy***

This report and the recommended decisions have no immediate direct implications for these plans and strategies. However, the proposed Bylaw is intended to enable the DCC to manage use of the water supply system in a manner that supports the DCC to achieve the objectives set out in these plans and strategies.

### ***Financial considerations***

There are no known specific financial implications related to this report and the recommended decisions. The costs of immediate implementation of the proposed Bylaw (if subsequently adopted) can be met from existing budgets. Additional funding (if required) for longer-term implementation activities would be sought through budgets included in the first Water Services Strategy in 2027.

### ***Significance***

This report and the recommended decisions have been assessed as low significance in terms of the Council's Significance and Engagement Policy.

### ***Engagement – external***

It is noted these decisions are part of the Special Consultative Procedure and result from external consultation being undertaken.

**SUMMARY OF CONSIDERATIONS**

***Engagement - internal***

3 Waters staff have engaged with other departments as part of the analysis of submissions and formulation of staff recommendations.

***Risks: Legal / Health and Safety etc.***

There are no risks to this summary report for consideration or the recommended amendments.

***Conflict of Interest***

No conflicts of interest have been identified as a result of submissions or recommended amendments to the proposed Water Supply Bylaw 2026.

***Community Boards***

No implications for Community Boards have been identified as a result of submissions or recommended amendments to the proposed Water Supply Bylaw 2026.

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
-	Two submitters stated they were not sufficiently informed about the consultation process that ran from 2 March – 2 April 2026 on the proposed Water Supply Bylaw 2026.		<p>The consultation process for the proposed Water Supply Bylaw ran from 2 March 2026 – 2 April 2026.</p> <p>Methods to inform the public about the proposal and the opportunity to make submissions included:</p> <ul style="list-style-type: none"> <li>information on the DCC website;</li> <li>information on the DCC Public Noticeboard published in the <i>Otago Daily Times</i> on two occasions;</li> <li>inclusion in DCC's Building Services March newsletter <i>Reinforce</i>;</li> <li>targeted emails to a range of partners and stakeholders including representatives of the development and construction community;</li> <li>The <i>Otago Daily Times</i> and <i>Star</i> newspapers also published stories about the proposed Bylaw and the consultation in February and March;</li> <li>A social media post on a community noticeboard.</li> </ul>	No change to the proposed Bylaw in response to this submission point.	Bart Acres Florence Reynolds
2.1	One submitter requested that the purpose of the proposed Bylaw at Clause 2.1 (Purpose) be expanded to explicitly address the identification and upgrading of substandard or legacy water supply connections.	<p>Clause 2.1 in the proposed Bylaw reads as follows:</p> <p><b>2 Purpose</b> 2.1 The purpose of this bylaw is to provide for the management and use of the Council's water supply network in a manner that:</p> <p>(a) Enables efficient and effective management of the water supply network, including connection to the water supply network in a manner that supports the Council to maintain levels of service, and to service areas where growth is anticipated.</p> <p>(b) Protects the Council's water supply network and equipment from contamination and against damage, misuse or interference.</p> <p>(c) Protects against water wastage to better conserve drinking water.</p>	<p>The Bylaw is a regulatory tool to manage use of the water supply network in the present moment, comprised of a set of rules for users. The Bylaw is naturally present and future-focused rather than backward looking, and resolution of legacy issues is not a purpose of the bylaw. Resolution of legacy issues can be (and, where feasible, is being) achieved through different mechanisms. Staff also note that clause 5.3 does empower the Council to review historical supply connections in very specific circumstances.</p> <p>In assessing this submission point, staff identified the omission of a 'savings' clause in the proposed Bylaw. This is a standard clause in regulatory instruments such as bylaws, which specifically preserves decisions or approvals made under earlier iterations of the instrument and/ or in relation to the same matters now being addressed in a bylaw.</p>	<p>Insert a 'savings' clause as a new clause 7.9, as follows:</p> <p><u>7.9 Any approval, permission, exemption or other authorisation given by the Council prior to the commencement date of this bylaw, in relation to matters addressed in this bylaw, continues to have effect for the purpose of this bylaw, but is subject to the application of any relevant clause in this bylaw.</u></p>	Darryl Sycamore, Terramark
2.1	One submitter requested that the proposed bylaw be amended at Clause 2.1 (Purpose), to clearly define or cross reference 'levels of service', including how these apply to different water supply types.		<p>Staff agree with the submitter's points that, without further definition, the reference to 'levels of service' in the purpose statement creates a lack of clarity around the purpose statement. On further review of the purpose statement, staff consider the references to levels of service and servicing growth are not needed and should be deleted. The Council's water supply levels of service are defined in other Council statutory documents (specifically the Long-Term Plan). Similarly, the Council's plans and strategies for servicing growth are set out in other Council statutory documents (including, for example, the Long-Term Plan, Water Services Delivery Plan and Future Development Strategy).</p>	<p>For clarity, amend the wording of clause 2.1(a) as follows:</p> <p>Enables efficient and effective management of the water supply network, including connection to the water supply network, <del>in a manner that supports the Council to maintain levels of service, and to service areas where growth is anticipated.</del></p>	Darryl Sycamore, Terramark
4.5	One submitter questioned clause 4.5 regarding setbacks for building work near water infrastructure and how reasonable this rule is and also asked if an exemption could be made if a resource consent is obtained under the 2GP.	<p>Clause 4.5 in the proposed Bylaw reads as follows:</p> <p><i>Working around buried water services infrastructure</i></p> <p>4.5 Approval from the Council must be obtained prior to carrying out building work over or near Council water services infrastructure. Applications for approval must be in writing using the appropriate form supplied by the Council. For the purposes of this clause, building work is near water services infrastructure if it is:</p>	<p>Clause 4.5 comes directly from the Local Government (Water Services) Act 2025 and the same wording is included in clause 6.10 of the bylaw as an infringement offence.</p> <p>The submitter raises a very good question about how to deal with both the legislative requirements of the Local Government (Water Services) Act 2025 and the current District Plan - where it states setbacks from water infrastructure are permitted at 1.5m and the bylaw follows higher legislation with wider setback rules. The District Plan differs from the Local Government (Water Services) Act 2025.</p>	<p>For clarity, amend clause 4.5 as follows:</p> <p><i>Working around buried water services infrastructure</i></p> <p>4.5 Approval from the Council must be obtained prior to carrying out building work over or near Council water services infrastructure. Applications for approval must be in writing using the appropriate form supplied by the Council. For the purposes of this clause, building work is near water services infrastructure if it is:</p>	Kurt Bowen, Patersons

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
		<p>(a) Less than 2 metres from a water services infrastructure pipe that is less than 300mm in diameter; or</p> <p>(b) Less than 10 metres from a water services infrastructure pipe that is 300mm or more in diameter.</p>	<p>An amendment to the wording in the proposed Bylaw can address the situation where a resource consent has been obtained. The amendment would be required at both clauses 4.5 and 6.10 of the proposed Bylaw.</p>	<p>(a) Less than 2 metres from a water services infrastructure pipe that is less than 300mm in diameter; or</p> <p>(b) Less than 10 metres from a water services infrastructure pipe that is 300mm or more in diameter, <del>and</del></p> <p><u>except that any person who has obtained a resource consent that includes building work near any water services infrastructure may carry out the work in accordance with the setback distances specified in that consent.</u></p> <p>Consequently amend clause 6.10 as follows:</p> <p>6.10 A person commits an infringement offence if they:</p> <p>(a) Carry out building work over or near water services infrastructure <del>contrary to clause 4.5 of the bylaw, without approval. Building work is near water services infrastructure if:</del></p> <p>(i) <del>It is less than 2 metres from a water services infrastructure pipe that is less than 300mm in diameter.</del></p> <p>(ii) <del>It is less than 10m from a water services infrastructure pipe that is 300mm or more in diameter.</del></p>	
4.10	<p>One submitter asked that the proposed Bylaw be amended to clarify that catchment classifications only apply to Council-owned land along with the associated maps.</p>	<p>A mapping error at the beginning of public consultation for the proposed Bylaw created confusion over which parts of the Deep Stream/Deep Creek catchment had a Controlled classification. The error, which incorrectly showed Department of Conservation land (ie Te Papanui Conversation Park) classified as a Controlled catchment was swiftly amended and it was made clear that the controlled classification was only for catchment land owned by the DCC at Deep Stream.</p>	<p>The original intention was to only apply the catchment classifications to Council-owned land designated under the DCC's District Plan as water supply catchment.</p> <p>In accordance with the submitter's request, it is recommended that further wording is added at clause 4.10 of the proposed Bylaw to make this clear.</p>	<p>Amend clause 4.10</p> <p><i>Catchment classes</i></p> <p>4.10 <del>Both surface water and groundwater catchment areas</del> Council-owned water supply catchments from which water is abstracted for the purposes of the water supply services are classified as:</p> <p>(a) Controlled;</p> <p>(b) Restricted;</p> <p>(c) Open.</p> <p>Council's water supply catchments and their classifications are set out in Schedule 1.</p>	Darryl Sycamore, Terramark
4.11	<p>Six submitters opposed the proposed "Controlled" classification of DCC catchment land in Deep Stream. The proposed Bylaw's classification of the catchment land at the end of El Dorado Track means a permit is required if entering DCC catchment land for the purpose of accessing DOC land at Te Papanui Conservation Park.</p> <p>Bruce Lambie, Bligh Vergeer and John Wilson had concerns around access to Te Papanui Conservation Park and opposed the controlled classification and disagreed that access is prohibited unless a permit is obtained.</p>	<p>In the proposed Bylaw the Deep Stream catchment is classified as Controlled as per clause 4.11 and Schedule 1. Use of the walking track across the controlled catchment to access Te Papanui Conservation Park would require a DCC approval.</p> <p>The DCC owns and manages parcels of land in the Deep Stream catchment specifically for water supply purposes.</p> <p>The DCC's Deep Stream water supply pipeline intake is at the northern tip of the catchment lands, and the catchment land parcel is situated to the east/southeast of Deep Stream.</p> <p>Te Papanui Conservation Park is situated to the west of Deep Stream or on the true left bank of the river. There are three access points into Te Papanui Conservation Park, one of which is across the Deep Stream catchment land owned by the DCC. This access point is via Mahinerangi Road, then on to El Dorado Track. There are locked gates at the end of the El Dorado track. Beyond the gates is a marked</p>	<p>The Deep Stream catchment is a critical operational asset supplying a significant proportion of Dunedin's drinking water directly from source to the treatment plant. Maintaining water quality is central to its Controlled classification. Unrestricted access—particularly vehicle access—presents risks such as fuel spills, fire, and chemical contamination. In addition, DCC must manage risks associated with catchment maintenance activities, hunting (including firearms), off-track movement, and periods of elevated fire danger, all of which require DCC to know who is accessing the catchment and when.</p> <p>It is acknowledged that public use of the walking track across the Deep Stream catchment to Te Papanui Conservation Park poses a very low risk to water quality, provided users remain on the track and access is confined to 'on foot' or non-motorised transport methods. However, due to risks outlined above, including health and safety risks, the DCC still considers access needs to be actively managed.</p> <p>The proposed Bylaw is not intended to restrict access to Te Papanui Conservation Park, but to ensure catchment access is managed in a way that protects water quality and public safety. In response to all submissions, it is proposed that a two-tiered</p>	<p>It is recommended that there is no change to the proposed Bylaw.</p> <p>Rather than incorporating the wording proposed in Fish and Game New Zealand's submission into the proposed Bylaw, staff will ensure the two-tier online approval system is established as part of the Bylaw implementation programme.</p>	<p>Fish and Game New Zealand Bruce Lambie Bligh Vergeer John Wilson Otago Tramping and Mountaineering Club (Inc) Sam Walton</p>

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER								
	<p>The Otago Tramping and Mountaineering Club (Inc) requested that clause 4.11 of the proposed Bylaw is amended to allow public access across the catchment without having to seek council approval as long as the entry and approval conditions are complied with.</p> <p>Similarly, Fish and Game New Zealand had concerns about limited access for anglers and hunters into Te Papanui Conservation Park from the end of El Dorado track and suggested new wording is included in the proposed Bylaw regarding access to Te Papanui Conservation Park for people to gain online approval to transit the controlled catchment.</p>	walking track through the DCC Deep Stream catchment land that can be used to access across the catchment to Te Papanui Conservation Park.	<p>permitting system is created for access to the Deep Stream catchment: the first tier would involve a same-day automatic online approval for on-track walking access across the catchment (subject to conditions), while the second tier would be a more involved approval process requiring staff assessment of appropriate access conditions for other activities and off-track access to the wider catchment.</p>										
4.11	<p>Three submitters questioned the status of kayaking and if it is affected by the proposed Bylaw controls in the Deep Stream catchment.</p> <p>Lenka Vysinova, Sam Walton and Michel Herde all questioned if kayaking is allowed in Deep Stream with the Controlled classification over the Deep Stream catchment.</p> <p>Sam Walton also expressed concern that the inclusion of Deep Creek in Schedule 1 of the proposed Bylaw on page 29 caused confusion as it appeared that Deep Creek is also included in the controls.</p>		<p>The proposed Bylaw does not manage activities in natural waterways – the Resource Management Act 1991 and regional plans manage that.</p> <p>Access across the controlled catchment land in Deep Stream for activities such as kayaking are the same as for any other activity.</p> <p>It is agreed in Schedule 1 where Deep Creek is referred to in the table does cause confusion and it is recommended that the reference to Deep Creek should be removed.</p>	<p>It is recommended to amend the existing Explanatory Note that follows clause 4.13 as follows:</p> <p><i>Open catchments</i></p> <p>4.13 In Open catchments there is no restriction on activities under this bylaw, except:</p> <p>(a) ...</p> <p>For any new activity related to dredging or mining of any kind, the open catchment will be managed as if it was a controlled catchment area (see clause 4.11).</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>EXPLANATORY NOTE:</b> <u>Activities in natural waterways are regulated by the Resource Management Act 1991 rather than this bylaw. In addition to this bylaw, there may also be provisions of regional plans, district plans and/or National Environmental Standards that apply to activities <u>on land</u> in controlled, restricted and open catchments.</u></p> </div> <p>Amend Schedule 1 by deleting Deep Creek from the table.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Catchment</th> <th>Classification</th> </tr> </thead> <tbody> <tr> <td><del>Deep Creek</del></td> <td><del>Controlled</del></td> </tr> <tr> <td>Deep Stream</td> <td>Controlled</td> </tr> <tr> <td>...</td> <td></td> </tr> </tbody> </table>	Catchment	Classification	<del>Deep Creek</del>	<del>Controlled</del>	Deep Stream	Controlled	...		<p>Lenka Vysinova Sam Walton Michel Herde</p>
Catchment	Classification												
<del>Deep Creek</del>	<del>Controlled</del>												
Deep Stream	Controlled												
...													
4.11 and 4.11(f)	<p>One submitter questioned the term “water reserves” and its meaning used in</p>	<p>The term “water reserve” is not defined in the proposed Bylaw.</p>	<p>The term ‘water reserve’ has been carried over from the 2011 Bylaw and it is agreed that its meaning is not clear, is not defined, and is not necessary.</p>	<p>Amend the proposed Bylaw as follows:</p>	<p>Fish and Game New Zealand</p>								

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER										
	<p>Clause 4.11 and Clause 4.11(f).</p> <p>Fish and Game NZ would prefer that if the term does not serve a purpose that it should be removed from the Bylaw.</p>	<p>The following clauses use this term:</p> <p><i>Controlled Activities</i> 4.11 <i>The following conditions apply to controlled activities or any area held by the Council as a water reserve...</i></p> <p>and 4.11(f) <i>If requested by the Council a person must immediately leave a controlled catchment or land held by the Council as a water reserve.</i></p>	<p>It is recommended that this term is removed from the proposed Bylaw.</p>	<p>4.11 The following conditions apply to controlled catchments, <del>or any area held by the Council as a water reserve.</del></p> <p>4.11(f) If requested by the Council a person must immediately leave a controlled catchment, <del>or land held by the Council as a water reserve.</del></p>											
4.11 / Schedule 1	<p>Eleven submitters raised concerns about the proposed classification of land in DCC's Silverstream Catchment as "Controlled" – see Part A of the Silverstream Catchment, Schedule 1. This classification would mean a Council approval would be required to enter the Controlled part of the catchment, which many submitters oppose.</p> <p>All submitters on this topic opposed this classification and cited existing uses of established walking and tramping tracks by walkers, trampers and trail runners in this part of the catchment, namely the Powder Ridge Track and the Greengauge Route. In the opinion of many of these submitters, obtaining a Council approval to use these established tracks would be onerous and unnecessary (from a water quality protection point of view).</p> <p>There was further concern that not having a permit meant that tramping would be prohibited and would be a breach of the proposed Bylaw if using that area without Council approval.</p> <p>Dunedin Land Search and Rescue (DLSR) was of the opinion that people will still use this part of the Silverstream catchment</p>	<p>The proposed Bylaw split the DCC's Silverstream catchment lands into three parcels with different classifications.</p> <p>The proposed Bylaw classified the northern part of the Silverstream catchment as "Controlled". As per clause 4.11 of the proposed Bylaw this means a permit would be required to enter the controlled part of the catchment.</p> <p>Other parts of the Silverstream catchment were classified as "restricted". The rules for access to restricted catchments at clause 4.12 the proposed Bylaw state:</p> <p><i>Within a restricted catchment, persons undertaking the following activities will be allowed unrestricted entry:</i></p> <p>(a) <i>Tramping;</i> (b) <i>Hunting</i> (c) <i>Trapping</i> (d) <i>Fishing</i></p> <p><i>For any other activities, the restricted catchment area will be managed as if it was a controlled catchment.</i></p>	<p>It is acknowledged, that within Part A of the Silverstream catchment there are well established, existing, tracks that are popular amongst walkers, trampers and trail runners.</p> <p>It is accepted that low-impact recreational activities such as tramping, walking and trail running pose a relatively low risk to water quality, and that these activities have been occurring in Silverstream – Part A for many years without causing any substantial water quality issues. In addition, and in contrast to the Deep Stream catchment, the physical characteristics of Silverstream – Part A (steep topography, dense vegetation cover) provide a natural barrier to vehicle access and associated water quality risks.</p> <p>As a result, staff now consider re-classification of Silverstream – Part A from 'controlled' to 'restricted' would maintain an appropriate level of water quality protection while enabling continued enjoyment of the catchment by low-impact recreational users without the need to obtain a specific Council approval for access.</p> <p>It is also acknowledged that the reference to 'tramping' in the list of 'permitted' activities in the rules for 'restricted' catchments is intended to cover a wider range of similar low-impact, on-foot recreational activities such as trail running. Additionally, it is acknowledged that the DCC Dog Control Bylaw and Policy 2024 provides for off-leash dog walking on tracks in Silverstream – Part A.</p>	<p>It is recommending that the classification of the Silverstream Catchment, Part A, is changed from Controlled to Restricted.</p> <p>Amend Schedule 1: Water Supply Catchments as follows:</p> <table border="1"> <thead> <tr> <th>Catchment</th> <th>Classification</th> </tr> </thead> <tbody> <tr> <td>...</td> <td>...</td> </tr> <tr> <td>Silverstream – Part A</td> <td><del>Controlled</del> Restricted</td> </tr> <tr> <td>Silverstream – Part B</td> <td>Restricted</td> </tr> <tr> <td>Silverstream – Part C</td> <td>Open</td> </tr> </tbody> </table> <p>It is also recommended to update the DCC online maps to reflect the above amendment to the classification of the Silverstream – Part A catchment.</p> <p>It is also recommended that clause 4.12(a) of the proposed Bylaw be amended as follows:</p> <p>4.12 Within a restricted catchment, persons undertaking the following activities will be allowed unrestricted entry:</p> <p>(a) <u>Tramping, trail running or any similar 'on-foot' activity on existing tracks, including with a dog (subject to the terms and conditions of the Dunedin City Council Dog Control Bylaw 2024 or any replacement);</u></p>	Catchment	Classification	...	...	Silverstream – Part A	<del>Controlled</del> Restricted	Silverstream – Part B	Restricted	Silverstream – Part C	Open	<p>Otago Tramping and Mountaineering Club (Inc) Robert Porteous Steve Tripp Lydia Pattillo Graeme Elliot Lenka Vysinova M R Braam Dunedin Land Search and Rescue Michel Herde Florence Reynolds Bart Acres</p>
Catchment	Classification														
...	...														
Silverstream – Part A	<del>Controlled</del> Restricted														
Silverstream – Part B	Restricted														
Silverstream – Part C	Open														

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
	without permission and if in trouble will not call for help as they are not permitted to be there and consequently DLSR believes that this will endanger public health.  Florence Reynolds referred to the proposed Bylaw as not being consistent with DCC's strategic planning, and lacking a suitable policy or regulatory justification for the proposed approach to managing catchment access.				
4.11	Four submitters believed there is a disproportionate focus on tracks and their use compared to forestry impacts within the Silverstream catchment. They believed that forestry has a greater impact on water quality.	This submission point relates to the catchment management rules in the proposed Bylaw.	The effects of forestry activities on water quality are regulated by other instruments under the Resource Management Act (1991) and can also be regulated by agreements between the forester and the DCC where forestry activities take place on DCC land. It is not, therefore, necessary to have any specific controls regarding catchment land in relation to forestry in the proposed Bylaw.	It is recommended that there is no change to the proposed Bylaw.	Robert Porteous Lenka Vysinova Michel Herde M R Braam
4.11	Three submitters questioned the inclusion of Clause 4.11(a)(vi) and Clause 4.13 and the effect this will have on hobby gold mining.  Bligh Vergeer expressed concern that hobby gold mining as a recreation activity could be compromised as a result of this proposed rule.  John Wilson questioned the management of an existing mining permit and whether this could run its 10-year course until 2032 under the proposed rules.  Darryl Sycamore, Terramark, stated the specific targeting of dredging and mining within the proposed Bylaw appeared inconsistent when other activities regulated under the Resource Management Act (1991) (RMA) presented comparable, or greater, potential risks to water quality, and recommended that all references to restrictions on dredging and	Clause 4.11(a) in the proposed Bylaw reads as follows:  <i>Controlled Catchment</i> 4.11 The following conditions apply to controlled catchments or any area held by the Council as a water reserve.  <i>Entry</i> (a) These areas must not be entered by any person except those specifically approved by the Council. Within controlled catchments a person must not: (i) Camp; (ii) Take, or allow to stray, any livestock; (iii) Bathe or wash anything; (iv) Deposit dirt, rubbish or foul material of any kind; (v) Defecate; (vi) Undertake any new activity related to dredging or mining of any kind.  <i>Open Catchments</i> 4.13 In open catchments there is no restriction on activities under this bylaw, except:  (a) any new activity related to dredging or mining of any kind;	Staff accept the submission points raised by Terramark regarding other legislative mechanisms that already control activities like mining and their effects. These are the Resource Management Act 1991 and associated regional and district plans, and the submission points out that these frameworks are specifically designed to assess and manage the environmental effects of such activities, including their impacts on water quality.  It is agreed that the references to dredging and mining should be removed from the proposed Bylaw.  Further to this amendment, upon looking closely at this clause it became apparent that the inclusion of the list of activities that a person cannot do in a controlled catchment in 4.11(a) was unnecessary. The main purpose of the clause is to state that a controlled catchment must not be entered unless approved by Council. To streamline this clause and make it clearer, it is recommended that the activities list i – vi are deleted and prohibited activities can be included in the conditions of an approval.	Amend the proposed Bylaw by removing parts of clause 4.11(a)(i-vi) and the final part of Clause 4.13 as shown below.  <i>Controlled Catchments</i> 4.11 The following conditions apply to controlled catchments or any area held by the Council as a water reserve.  <i>Entry</i> <del>(a) These areas</del> Controlled catchments must not be entered by any person except those specifically approved by the Council. <del>Within controlled catchments a person must not:</del> i. <del>Camp;</del> ii. <del>Take, or allow to stray, any livestock;</del> iii. <del>Bathe or wash anything;</del> iv. <del>Deposit dirt, rubbish or foul material of any kind;</del> v. <del>Defecate;</del> vi. <del>Undertake any new activity related to dredging or mining of any kind.</del>  <i>Open Catchment</i> 4.13 In open catchments there is no restriction on activities under this bylaw except: <del>(a) any new activity related to dredging or mining of any kind</del> ... <del>For any new activity related to dredging or mining of any kind, the open catchment will be managed as if it was a controlled catchment area (see clause 4.11).</del>	Bligh Vergeer John Wilson Darryl Sycamore, Terramark

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	mining activities in clauses 4.11 and 4.13 be removed.	<p>(b) where a reservoir is in an open catchment as set out in clause 4.14.</p> <p>For any new activity related to dredging or mining of any kind, the open catchment will be managed as if it was a controlled catchment area (see clause 4.11).</p> <p>Wording in the proposed Bylaw would mean that no person can undertake any new activity related to dredging or mining of any kind in a Controlled, Restricted or Open catchment.</p>			
4.11	One submitter suggested that the proposed Bylaw should include a rule regarding accidental or direct application of hazardous substances into the catchment.	<p>Clause 4.15 currently reads:</p> <p><i>Spillages and adverse events</i> 4.15 The person responsible for any spillage or other event that releases or is likely to release hazardous substances into the water of any catchment, or may compromise any part of the water supply network, must advise the Council immediately. This requirement is in addition to other notification procedures required by other authorities.</p>	It is agreed that further wording is required in clause 4.15 to address accidental or direct application of hazardous substances to land or water in the water supply catchment areas. Please see suggested recommendation.	Amend the proposed Bylaw by including the following at clause 4.15: <i>Spillages and adverse events</i> 4.15 <u>No person may apply any toxic or hazardous substance to land or water within any water supply catchment unless approved by the Council.</u> The person responsible for any spillage or other event that releases or is likely to release hazardous substances into the water of any catchment, or may compromise any part of the water supply network, must advise the Council immediately. This requirement is in addition to other notification procedures required by other authorities.	Darryl Sycamore, Terramark
4.11 (b)	Staff identified that it would be useful to add two activities to the list in 4.11(b).	<p>Clause 4.11(b) reads in the proposed Bylaw as follows:</p> <p>4.11</p> <p><i>Approvals</i> (b) A person may apply in writing to the Council using the appropriate form supplied by the Council for approval to enter a controlled catchment. Any approval is valid only for the term specified, and subject to compliance with all terms and conditions specified on the approval. Approvals may forbid or impose conditions to regulate activities such as:</p> <p>(i) Hunting, trapping, shooting or fishing; (ii) Lighting or maintaining any fire; (iii) Taking of any dog or other animal into a catchment area; (iv) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property; (v) Excavation; (vi) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals; and</p>	<p>Staff recommend that two frequent activities – track maintenance and pest control activities – should be included in the example activities list at clause 4.11(b).</p> <p>Adding these provides further clarity and visibility about the range of activities in a water supply catchment that may be regulated through a Council approval with conditions.</p>	<p>It is recommended to amend the proposed Bylaw as follows at 4.11(b):</p> <p><i>Controlled catchments</i></p> <p><i>Approvals</i> (b) A person may apply in writing to the Council using the appropriate form supplied by the Council for approval to enter a controlled catchment. Any approval is valid only for the term specified, and subject to compliance with all terms and conditions specified on the approval. Approvals may forbid or impose conditions to regulate activities such as:</p> <p>(i) Hunting, trapping, shooting or fishing; (ii) Lighting or maintaining any fire; (iii) Taking of any dog or other animal into a catchment area; (iv) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property; (v) Excavation; (vi) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals; and (vii) Use of any pesticide or toxic substance for any purpose whatsoever; (viii) <u>Pest control activities;</u> (ix) <u>Track maintenance.</u></p>	

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		(vii) <i>Use of any pesticide or toxic substance for any purpose whatsoever.</i>			
4.12 and 4.13	<p>DCC staff identified that hunting and trapping activities did not require approval in some catchments. They proposed that clauses 4.12 and 4.13 should be amended to make it clear that access to restricted and open catchments for the purposes of hunting and trapping requires specific Council approval. Additional comments/ feedback were sought from the public on this proposed change to the Bylaw (under s83(3) of the Local Government Act 2002)</p> <p>Five submitters generally opposed the proposed amendments. The New Zealand Deerstalkers Association – Otago Branch proposed an amendment to the clauses to make hunting, trapping, fishing and associated access activities in restricted and open catchment permitted entry as of right. Predator Free Dunedin encouraged an approach that ensured any approval process for trapping enabled rather than unintentionally constrained trapping. Isaac Walker, Ben Walker and Elliot Ramsden all disagreed with the proposed amendments and urged hunting and trapping to retain access rights.</p>	<p>The proposed Bylaw currently permits hunting and trapping in Restricted and Open catchments in the following clauses:</p> <p><i>Restricted Catchments</i> 4.12 <i>Within a restricted catchment, persons undertaking the following activities will be allowed unrestricted entry:</i> (a) <i>Tramping;</i> (b) <i>Hunting;</i> (c) <i>Trapping;</i> (d) <i>Fishing.</i></p> <p><i>For any other activities, the restricted catchment area will be managed as it was a controlled catchment area (see clause 4.11).</i></p> <p><i>Open Catchments</i> 4.12 <i>In open catchments there is no restriction on activities under this bylaw, except:</i> (a) <i>any new activity related to dredging or mining of any kind;</i> (b) <i>where a reservoir is in an open catchment as set out in clause 4.14</i> <i>For any new activity related to dredging or mining of any kind, the open catchment will be managed as it is was a controlled catchment area (see clause 4.11).</i></p>	<p>Analysis of submissions resulted in the identification of an unintended issue relating to the proposed water supply catchment management rules. The proposed rules, as drafted, would have enabled unrestricted access to ‘restricted’ and ‘open’ catchments for the purposes of hunting and trapping.</p> <p>Access to these catchments for the purposes of hunting and trapping under current arrangements is by DCC permission only. Importantly the proposed amendments do not introduce any new restrictions, but simply maintain the existing access arrangements. In addition, DCC’s Reserves and Beaches Bylaw 2017, which also applies to land in DCC’s water supply catchments provides that access for the purposes of hunting and trapping is by Council permission only.</p> <p>Aligning with the Reserves and Beaches Bylaw and making access to these catchments for the purposes of hunting and trapping by Council approval only also aligns with other adjacent landowner approaches, for example City Forests and the Department of Conservation, who also have restrictions or require permission to hunt and trap on their land.</p> <p>For the purposes of clarity, it is also recommended that an extra sentence is added to the Explanatory Note below clause 4.13 reminding of the Reserves and Beaches Bylaw 2017 and to check adjacent landowners’ access rules when crossing from DCC catchments to other adjacent land.</p>	<p>It is recommended to amend clauses 4.12 and 4.13 in the proposed Bylaw as follows, including the addition to the Explanatory Note:</p> <p><i>Restricted Catchments</i> 4.12 Within a restricted catchment, persons undertaking the following activities will be allowed unrestricted entry:</p> <p>(a) Tramping; <del>(b) Hunting;</del> <del>(c) Trapping;</del> (d) Fishing.</p> <p>For any other activities, the restricted catchment area will be managed as if it was a controlled catchment area (see clause 4.11).</p> <p><i>Open Catchments</i> 4.13 In open catchments there <del>is</del> <u>are</u> no restrictions on activities under this bylaw, except <u>in relation to:</u></p> <p>(a) any new activity related to dredging or mining of any kind; (b) where a reservoir is in an open catchment as set out in clause 4.14; <u>(c) hunting and trapping in an open catchment, for which approval should be sought in accordance with clause 4.11(b) of this bylaw.</u></p> <p>For any new activity related to dredging or mining of any kind, the open catchment will be managed as if it was a controlled catchment area (see clause 4.11).</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>EXPLANATORY NOTE:</b> There may also be provisions of regional plans, district plans and/or National Environmental Standards that apply to activities in controlled, restricted and open catchments.</p> <p><u>Additionally, users are reminded that the DCC’s Reserves and Beaches Bylaw (2017) and its rules apply to all catchment lands. It is also recommended that if users are crossing between DCC catchment land and neighbouring land owned by, for example, the Department of Conservation, to check the adjacent landowners’ access rules.</u></p> </div>	Isaac Walker Ben Walker Elliot Ramsden Otago Deerstalkers Association Predator Free Dunedin
5.2	One submitter queried whether the Water Supply Areas boundaries in clause 5.2 are reasonable and questioned if there is a formal process for someone to apply to have their property brought into a water supply area.	<p>Clause 5.2 in the proposed Bylaw reads:</p> <p><i>5.2 No new supply connections will be permitted to properties lying outside the water supply area.</i></p>	<p>Ad hoc, unplanned approvals for properties that are outside of the water supply area boundary are inconsistent with good asset management practice.</p> <p>The ability to formalise any existing, pre-2011 irregular (i.e. unformalised) ‘out of zone’ water supply connections will still be managed by the proposed Bylaw. The water supply area boundary can change via an amendment to the bylaw and triggers for a boundary change could include service provision decisions made through the district plan process (zoning</p>	No change to the proposed Bylaw in response to this submission point.	Kurt Bowen, Patersons

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			changes) or under the DCC’s New Reticulated Utility Services Policy.		
5.6	One submitter asked that a tiered and proportionate water connection application framework be adopted that would provide a streamlined “as of right” connection pathway for simple applications. Additionally, the submitter requested that the requirements for concept plans and detailed capacity assessments, to larger more complex developments where network impacts are likely to be material, are limited.	<p>Clause 5.6 reads in the proposed Bylaw:</p> <p>5.6 <i>The Council will follow the 3-step approval process below:</i></p> <p>(a) <i>Step 1: Assess the concept plan for a water connection, to ensure that the water supply network has enough capacity for the proposed supply and will comply with the requirements of clauses 5.19-5.52 (Point of Supply and Types of Supply). If satisfied of these matters, the Council will approve the concept plan.</i></p> <p>(b) <i>Step 2: Assess the engineering plans for a water supply connection, to ensure that the proposed activity can be implemented. If satisfied that the plan can be implemented, the Council will approve the engineering plans.</i></p> <p>(c) <i>Step 3: Final approval and sign off – if the Council is satisfied, after considering the inspections of completed works and supporting documentation, that the work has been completed to an acceptable standard and in accordance with the approvals given under steps 1 and 2, the Council will give final approval and sign off for the connection.</i></p> <p>The submitter also asks that a framework that limits the requirements for concept plans and detailed capacity assessment to larger, or more complex developments.</p>	Section 147 of the Local Government (Water Services) Act 2025 requires a bylaw that regulates connections to water services networks to include a three-step approval process. The inclusion of the '3-step approval process' set out in clause 5.6 of the proposed Bylaw gives effect to the requirements of the Act. Staff analysis is that the submitter's recommendations can be addressed through the implementation of clause 5.6 - for example by tailoring application forms, procedures and guidance to different scales of development. Staff will take account of these submission points when developing the forms, procedures and guidance necessary to implement clause 5.6 of the Bylaw. Staff, like the submitter, are motivated to ensure the application process does not become overly onerous for developments small or large.	No change to the proposed Bylaw in response to this submission point. However, staff will take account of these submission points when developing the forms, procedures and guidance necessary to implement clause 5.6 of the Bylaw.	Darryl Sycamore, Terramark
5.6	One submitter asked that a framework clearly articulates the circumstances where an application for an ordinary supply of water may be declined to ensure transparency with clause 5.33.	<p>This submission relates to clause 5.6 above and refers to Clause 5.33 below:</p> <p>5.33 <i>Every property where an on-demand supply is available is entitled to an ordinary supply of water, subject to the following conditions:</i></p> <p>(a) <i>The property is within a water supply area (refer to electronic maps on the DCC website).</i></p> <p>(b) <i>The exclusion of its use for any specified purpose, and in particular for garden irrigation, under any restrictions made by the Council under clause 5.56 or clause 5.58.</i></p> <p>(c) <i>Payment of the appropriate charges in respect of that property.</i></p> <p>(d) <i>Any other charges or costs associated with subdivision and land-use development.</i></p> <p>(e) <i>The supply is not used for any extraordinary use or is not a dedicated fire supply.</i></p>	As noted by the submitter, clause 5.33 clearly states that entitlement to an ordinary supply is subject to conditions. It follows that an application for ordinary supply can be declined if the application cannot demonstrate those conditions can be met.	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
		(f) <i>Any relevant provisions of this bylaw.</i>			
5.6	One submitter requested that a framework that aligns with the application process with the entitlement to supply stated to ensure that procedural requirements do not undermine that entitlement.	See above for Clause 5.6 above.  Section 147 of the Local Government (Water Services) Act 2025 requires a Bylaw that regulates connections to water services networks to include a three-step approval process.	Higher level legislation prevails as the inclusion of the '3-step approval process' set out in clause 5.6 of the proposed Bylaw gives effect to the requirements of the Local Government (Water Services) Act 2025.  Staff analysis is that the submitter's recommendations can be addressed through the implementation of clause 5.6 - for example by tailoring application forms, procedures and guidance to different scales of development. Staff will take account of these submission points when developing the forms, procedures and guidance necessary to implement clause 5.6 of the Bylaw. Staff, like the submitter, are motivated to ensure the application process does not become overly onerous for developments small or large. However, as noted by the submitter, clause 5.33 clearly states that entitlement to an ordinary supply is subject to conditions. A key function of the application and approval process is to provide assurance that the applicant's proposal can meet those conditions before an application is approved by the Council. The rules in the Bylaw must support the Council to do its due diligence.	No change to the proposed Bylaw in response to this submission point. However, staff will take account of these submission points when developing the forms, procedures and guidance necessary to implement clause 5.6 of the Bylaw.	Darryl Sycamore, Terramark
5.22	One submitter suggested including an exemption to clause 5.22 that enables the point of supply for large unit subdivisions (e.g. rest homes and for multi-story buildings) to be located within the development in close proximity to the unit that is being served.	Clause 5.22 in the proposed Bylaw is as follows:  <i>5.22 For individual customers the point of supply should be located 250mm from the roadside property boundary or as near as practicable to the roadside property boundary as determined by Council.</i>  The definition of 'point of supply' is as follows:  <i>Point of supply means the point on the service pipe that marks the boundary of responsibility between the customer and the Council.</i>	For large unit subdivisions (e.g. rest homes and for multi-story buildings) where the building or property owner is the customer and they redistribute the water they purchase from Council to their tenants, the point of supply is still at the boundary as this is where Council's responsibility for the water ends and the customers responsibilities and private infrastructure begins.  Clarification with the submitter established that there was some confusion between the Point of Supply and private shut-off valves. This submission point has been resolved as a result of those further discussions.	No change to the proposed Bylaw in response to this submission point.	Kurt Bowen, Patersons
5.24	One submitter asked that Residents Associations are also recognised as a legal entity like Body Corporates for multiple ownership.	In the proposed Bylaw under Multiple Ownership and clause 5.24 the following Explanatory Note reads:  <b>EXPLANATORY NOTE:</b> <i>Private watermains that service more than one property are not an acceptable option for new subdivisions or developments if a body corporate has not been legally established to own and manage the private watermain.</i>  The definition of Multiple Ownership is as follows:  <i>Multiple Ownership: Includes the following forms of property ownership: Company Share/Block Scheme (Body Corporate), Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate).</i>	The definition of Multiple Ownership starts with the word "includes" so what follows is not an exhaustive list. However, with regard to explicitly including Residents Associations the risk that exists is that quite possibly not all Residents' Associations would have any legal ownership responsibility. Rather than including Residents Associations in the definition of Multiple Ownership, we propose changing the Explanatory Note by removing "body corporate" and replacing this with "legal entity", so that where Residents' Associations do have a legal ownership responsibility, they will be recognised.	Remove "body corporate" from the Explanatory Note under Clause 5.24 and replace with "legal entity" as follows:  <b>EXPLANATORY NOTE:</b> Private watermains that service more than one property are not an acceptable option for new subdivisions or developments if a <del>body corporate</del> legal entity has not been legally established to own and manage the private watermain.	Kurt Bowen, Patersons
5.25	One submitter asked that there is an exemption made available to clause 5.25.	Clauses 5.25 (and related clause 5.17) in the proposed Bylaw read as follows:	The proposed Bylaw makes it clear in clauses 5.25 and in clause 5.17 that individual water supply connections are required as	It is recommended to add an EXPLANATORY NOTE under <i>Applications for Supply</i> Clause 5.4 as follows:	Kurt Bowen, Patersons

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
	<p>The submitter's assessment is that the rules regarding multi-unit developments in the proposed Water Supply Bylaw will work in the following scenarios:</p> <ul style="list-style-type: none"> <li>• New development, using a fee simple format;</li> <li>• New development, using a Unit title format;</li> <li>• Conversion of an established development, using a Unit title format;</li> </ul> <p>but not when subdividing an established multi-unit development into separate fee simple lots and asks that the Bylaw makes possible bespoke water supply arrangements.</p>	<p>5.25 <i>Where any property contains multiple units owned by one customer (e.g. flats or community housing) and are subsequently subdivided into separate lots, all resulting lots must have individual water supply connections that comply with this bylaw at the time of subdivision. All works to provide individual supplies, and thereby ensuring compliance with the bylaw, are at the customer's expense.</i></p> <p>5.17 <i>As part of a subdivision process, the Council will require individual supply connections to resultant properties that originally shared a supply connection prior to subdivision. The Council will notify property owners if this requirement is triggered.</i></p>	<p>part of the subdivision process. Staff do not agree with providing an option of bespoke water supply arrangements.</p> <p>It is acknowledged, however, that there may be times when particular designs are complicated – in instances where complex designs exist, prospective applicants are encouraged to discuss these with staff at the pre-application stage. It is recommended that an Explanatory Note is included in the proposed Bylaw to this effect.</p>	<p><b>EXPLANATORY NOTE:</b> Council staff are available to discuss the requirements of the bylaw with prospective applicants before they prepare a water supply application. Please contact the DCC on 03 477 4000 to ask for assistance. Pre-application discussions are particularly encouraged where application proposals are complex.</p>	
5.35	<p>One submitter requested that the Bylaw provide clear, objective criteria for excessive use including indicative thresholds or standards.</p>	<p>Clause 5.35 in the proposed Bylaw reads:</p> <p>5.35 <i>The Council will determine whether the use is excessive by taking into account the number of users at the property, the Council's per person per day water use target, and making a reasonable allowance for some leakage.</i></p> <p>And, the definition in the proposed Bylaw for Excessive is:</p> <p><i>Excessive: in relation to water use, means the amount of water used at a property is greater than the amount of water use reasonably expected for an ordinary supply.</i></p>	<p>Staff note that 'excessive' is a defined term that is given effect through clauses 5.34 and 5.35. It would be impractical to provide a single precise definition of 'excessive' in the Bylaw due to variables such as variations in household occupancy, however clarity can be improved by referring to the Council's specific per person per day average water consumption target. Staff also note ability to seek review of a decision (per clause 7.1) provides customers with the opportunity to challenge any determination by the Council that water use at a particular property is excessive.</p>	<p>It is recommend to add a new Explanatory Note immediately after clause 5.35 as follows:</p> <p><b>EXPLANATORY NOTE:</b> the Council's per person per day average water consumption target is currently &lt;240 litres, as stated in Dunedin's 9-Year Plan 2025-34.</p>	Darryl Sycamore, Terramark
5.48	<p>One submitter asked that the Bylaw is amended to clearly state whether a minimum level of restricted flow supply for ordinary domestic use is available as of right within water supply areas; and if not able to provide this, then to provide transparent and objective criteria for how applications are assessed and prioritised.</p> <p>The submitter also asked that a framework is provided to ensure restricted flow supplies are consistent with the Bylaw's stated purpose, including maintaining levels of service</p>	<p>This submission request applies to clause 5.48 in the proposed Bylaw:</p> <p>5.48 <i>Restricted flow supply is available only to property within a rural water supply area, or under special conditions set by the Council.</i></p>	<p>Availability of units for restricted flow supplies in rural water supply areas is subject to water supply network capacity. While the Council aims to make at least one unit available for all eligible properties in rural water supply areas, committing to a minimum level of restricted flow supply for domestic use in the Bylaw is not recommended. The provision of guidance for the Council and customers on assessment and prioritisation of applications for new / additional units on restricted flow supplies can be addressed through mechanisms outside the Bylaw - for example through a policy or procedure. The Bylaw is about regulating customer and public behaviour, not about the Council regulating itself.</p>	<p>No change to the proposed Bylaw in response to this submission point. But staff to note this as a topic for further consideration in relation to policy and procedure development work.</p>	Darryl Sycamore, Terramark

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
	and supporting serviced communities.				
5.61	One submitter asked that the respective responsibilities of council and customers are clearly defined for backflow prevention, including when council-installed protection is sufficient.	<p>Clause 5.61 reads as follows, along with an Explanatory Note that accompanies this clause in the proposed Bylaw:</p> <p><i>Boundary Backflow Prevention</i> 5.61 The customer is responsible for:</p> <p>(a) Taking all necessary measures to prevent backflow into the Council's water supply network.</p> <p>(b) Implementing boundary backflow prevention measures either by providing an adequate air gap or an appropriate boundary backflow prevention device and by ensuring the device or air gap is operating effectively at all times.</p> <p>(c) In the case of a restricted flow supply, not making any connections between the point of supply and the air gap at the inlet to the customer storage tank. All household plumbing and outdoor taps must be supplied from the customer storage tank.</p> <p><b>EXPLANATORY NOTE:</b> The process for determining an appropriate boundary backflow prevention device is set out in the Council's Boundary Backflow Prevention Policy.</p> <p>Compliance under the Building Act 2004 does not absolve the property owner from the requirements of the Water Services Act 2021 for point of supply backflow prevention.</p>	<p>This submission point will be addressed through the combination of the rules in the Bylaw and the Boundary Backflow Prevention Policy, as indicated in the explanatory note below clause 5.61. The Boundary Backflow Prevention Policy approved by the DCC's Executive Leadership Team is attached to this report for information. Together with the Bylaw, it responds to higher level legislative and regulatory requirements on the DCC as a drinking water supplier, and - in terms of determining boundary backflow risk hazard categories for individual properties - aligns with available best practice guidance.</p>	<p>For additional clarity, it is recommended to amend the Explanatory Note below clause 5.61 as follows:</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>EXPLANATORY NOTE:</b> The process for determining an appropriate boundary backflow prevention device is set out in the Council's Boundary Backflow Prevention Policy. <u>For the purposes of 5.61(b), use of an appropriate boundary backflow prevention device for properties with a 'very low' risk hazard classification can be achieved by use of the device provided (and owned) by the Council.</u></p> </div>	Darryl Sycamore, Terramark
5.61	One submitter asked that the Boundary Backflow Prevention Policy is included as part of the consultation process or incorporate its key provisions directly into the proposed Bylaw.	The approved DCC Boundary Backflow Prevention Policy has been included as an attachment to the report to the Hearings Committee.	While the Water Supply Bylaw and Boundary Backflow Prevention Policy work together and complement each other, they perform different functions and it would not be appropriate to combine them in a single document. In terms of boundary backflow prevention, the Bylaw provides rules to regulate customer and public use of the water supply network. The policy is an operational document that provides direction to the Council (and, also clarity on Council approach for customer). In relation to boundary backflow prevention rules the Bylaw has not changed. The requirement for the customer to prevent backflow using an appropriate device, to the satisfaction of the Council, is the same as before. The introduction of the policy will provide greater clarity as it is based on available best practice guidance responding to new legislative and regulatory requirements on the DCC as a drinking water supplier.	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark
5.61	One submitter requested that a risk-based framework for backflow management is adopted, where the level of protection required is proportionate to the actual risk posed by the property or the activity.	Please see above for Clause 5.61	In terms of determining boundary backflow risk hazard categories for individual properties and the associated level of boundary backflow prevention required, the Boundary Backflow Prevention Policy aligns with available best practice guidance. Use of the Policy will inform implementation of the rules in the Bylaw and achieve the outcome the submitter is seeking.	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
	The submitter also requested that the Bylaw avoids mandating high-level devices such as Reduced Pressure Valves except in situations where they are clearly justified.				
5.85	<p>One submitter raised concerns around the use of water meters and would like clause 5.85 amended by Council committing to public ownership of the freshwater network.</p> <p>The submitter would like all user-pays arrangements (i.e. water meters) to be restricted to extraordinary users of water only.</p>	<p>Clause 5.85 reads as follows:</p> <p><i>5.85 Meters for on-demand supplies, restrictors for restricted flow supplies, and restrictors for restricted supplies will be supplied, installed and maintained by the Council and will remain the property of Council.</i></p> <p>There are two existing DCC policy statements that provide the outcomes sought by the submitter. The 'Water and Wastewater - Ownership of Utilities' policy statement (available on the DCC website) affirms the Council's commitment to public ownership of the DCC water supply network and opposition to privatisation of the network.</p> <p>In addition, the 'Water - Domestic Water Supply Charging' policy statement (also available on the DCC website) affirms that domestic water charging will be via the rating system, unless the customer elects to be charged via metering.</p>	<p>Policy statements are the appropriate place for the Council to make these sorts of policy commitments, and the rules for use of the water supply network put forward in the proposed Bylaw are consistent with these policy statements.</p>	No change to the proposed Bylaw in response to this submission point.	Michael Gibson
Definitions	<p>One submitter raised concerns around AirBnBs and suggested they should pay commercial water rates as they are a commercial activity.</p> <p>Also raised was a concern that developers should also pay the full amount of not just the connection, but costs related to the improvement of the capacity to any infrastructure.</p>	<p>The definition of ordinary use is as follows:</p> <p><i>Ordinary Use: Means the use of water solely for purposes in a dwelling (which may include use for accommodation rental activities in a residential unit, ancillary unit or detached minor residential unit, e.g. Airbnb).</i></p> <p>...</p>	<p>The 'ordinary use' definition means the use of water solely for purposes in a dwelling - essentially, this is what AirBnBs provide alongside other homes or dwellings.</p> <p>AirBnBs typically provide accommodation in residential dwellings (either as entire dwellings, or as parts of a dwelling). It is expected that AirBnBs in residential areas would have the same, or similar, consumption of water as a standard domestic dwelling.</p> <p>The 'Extraordinary Use' definition in the proposed Bylaw outlines activities where water use is expected to be higher than normal. The risk of temporary tenants at an AirBnB using more water than an ordinary residence occupied by the owner, or a longer-term tenant is low.</p> <p>Coupled with this is the frequency that an AirBnB is tenanted, which may not be continuously, so the potential for less water to be used than a standard residential residence exists.</p>	No change to the proposed Bylaw in response to this submission point.	Ralf Schrubba
Definitions	One submitter opposed the classification of properties as 'extraordinary' based on zoning, property size and location outside the Water Supply Area and requests that a simpler more transparent effects-based framework that	<p>The proposed Bylaw differentiates between extraordinary supply and extraordinary use as follows:</p> <p><i>Extraordinary Supply: means a category of on-demand of metered water for extraordinary use that may be subject to specific conditions and limitations and includes:</i></p>	<p>The Extraordinary Use definition outlines particular activities and situations where the potential for higher water use exists, and – therefore – where an 'extraordinary supply' is the appropriate form of water supply.</p> <p>Most regulatory regimes require setting a clear, non-negotiable boundary in order to manage risks practicably and effectively within rules. This is what the proposed Bylaw does in terms of extraordinary use, by identifying the types of activities, property</p>	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark


BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
	<p>distinguishes between the type of connection and the activities undertaken is adopted.</p> <p>Additionally, the submitter requested that a simple framework regarding the type of connection (supply) and the nature of activities (use) be adopted and that there is a clear distinctive between terms.</p>	<p>(a) Properties situated within a water supply area that do not meet the definition of an ordinary supply (ie because the use at the property is an 'extraordinary use'); or</p> <p>(b) Properties where a connection has been installed or located outside a water supply area prior to 1 April 2011 and that has subsequently been approved by the Council.</p> <p><i>Extraordinary Use: means the use of water for the following purposes other than ordinary use and includes, but is not limited to:</i></p> <p>(a) Commercial and business use</p> <p>(b) Industrial use</p> <p>(c) Horticultural use</p> <p>(d) Viticultural use</p> <p>(e) Agricultural use</p> <p>(f) Use at a property zoned Rural or Rural Residential</p> <p>(g) Use at an educational facility (e.g. schools, early-childhood centres, tertiary education institutions)</p> <p>(h) Use at any property that is over 1ha in size that is zoned Large Lot Residential, Low Density Residential or Township and Settlement</p> <p>(i) Use at any property where livestock (excluding poultry) is kept</p> <p>(j) Fire protection systems other than sprinkler systems installed to comply with NZS4517 which have prior approval of the Council</p> <p>(k) Temporary supply</p> <p>(l) Use at any property with:</p> <p>(i) A spa in excess of 10m<sup>3</sup> capacity</p> <p>(ii) A swimming pool in excess of 10m<sup>3</sup> capacity</p> <p>(iii) A fixed garden irrigation system</p> <p>(iv) A water service pipe with a diameter greater than 25mm</p> <p>(v) Any other nominated use as provided by a decision pursuant to clause 5.6</p> <p>(m) Use of water at a property outside the water supply area boundary</p> <p>(n) Excessive water use.</p>	<p>zones or property size where higher than normal water use has a higher likelihood to occur. It is unrealistic to expect that in every application for a water supply connection a comprehensive activity assessment and associated property inspection can be undertaken by staff to enable case-by-case assessments of likely water use. In this case, a line has been drawn between ordinary use and extraordinary use using types of activities, property zoning and size with regard to higher than expected water use.</p> <p>The intent of the Water Bylaw (2011) seems to be that on-demand water supplies to large properties on the urban fringe and commonly known as lifestyle blocks, if provided, should be via an 'extraordinary supply'. The definitions in the 2011 bylaw, however, are not sufficiently precise to enable effective implementation of that intention.</p> <p>One of the drivers for including these size and zone-based thresholds in the definition of extraordinary use is to provide clarity about how water supplies to lifestyle blocks, are to be managed. These sorts of properties have sufficient land for activities not typically found in standard residential areas, such as small-scale agricultural or horticultural practices, which can result in higher and more variable water use than expected for an ordinary residential property.</p> <p>Research across other councils' water supply bylaws shows there is a variety of different approaches used to determine when a property should be classified as having an extraordinary supply or an ordinary supply. These include district plan zoning, property size thresholds, and combinations of both.</p> <p>The review of other councils' approaches shows that an average 1-hectare size threshold is common where a size threshold approach is used.</p> <p>For Dunedin, a combined approach is proposed (exempting centrally located residential zones) but categorising properties 1 hectare and above and/or in specified zones as having an Extraordinary Use. Setting the threshold at 1 hectare and including properties in specified zones is therefore considered the most effective way to ensure water use on large urban-fringe properties is appropriately managed and aligned with the intent of the Bylaw. Using a "bright line" approach to distinguish between ordinary and extraordinary uses will make the application and assessment process more efficient and administratively practicable. The approach in the proposed Bylaw is not inconsistent with approaches used in other councils.</p> <p>Staff do not agree with the submitter's point that the proposed Bylaw conflates the concepts of 'supply' and 'use'. Research shows it is very common to have definitions of supply type that are supported by associated definitions of use type. The way that ordinary supply, ordinary use and extraordinary supply and extraordinary use are defined and used in the proposed Bylaw are consistent with the approaches used in other council's bylaws throughout New Zealand.</p>		
Definitions	One submitter asked that terminology in the proposed Bylaw is more closely aligned with the District Plan		The alignment of terms in the proposed Bylaw with the District Plan has been addressed as best we can, however, it must be noted that bylaws are not an RMA planning instrument. We have aligned with the District Plan where it is feasible, and alignment	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
	framework, particularly in distinguishing between residential (domestic) and non-residential activities.		has also been made with legislation as well as with other council's bylaw terminology. The proposed Bylaw's terminology is fit for purpose and consistent with other water supply management bylaws.		
General	One submitter questioned whether Examples 4 and 6 of the Point of Supply Example Diagrams have water services pipe sizes explicitly stated.		The details regarding service pipe sizes that the submitter is referring to are more matters for an engineering standard and would be more appropriately contained in the DCC's Code of Subdivision rather than the Water Supply Bylaw.	No change to the proposed Bylaw in response to this submission point.	Kurt Bowen, Patersons
General	One submitter suggested that the DCC reconsider timing of the proposed Bylaw or ensure that it is explicitly aligned with the assessment of communities' access to drinking water under the Local Government (Water Services) Act 2025	The Local Government (Water Services) Act 2025 requires territorial authorities to assess drinking water, wastewater, and stormwater services available to communities in their districts. The statutory deadline for the first assessment of drinking water services is 1 July 2026.	The servicing assessment that the DCC will conduct by 1 July 2026 in accordance with LGWSA requirements is not expected to make any findings or recommendations that will require an immediate amendment to the proposed Bylaw. Amendments to the Bylaw can occur at a later date, over the coming years, if required to give effect to the assessment's findings or recommendations. Staff recommend continuing with work to 'make' the new Bylaw as programmed.	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark
General	One submitter requested that a clear framework for identifying, prioritising and upgrading substandard or legacy connections is developed and asked that a pathway for out of zone customers to transition to compliant secure and safe servicing arrangement is provided.  Included in this submission point was that any restrictions on new connections are applied only once legacy connection issues have been meaningfully addressed.		The Bylaw is a regulatory tool to manage use of the water supply network in the present moment, comprised of a set of rules for users. The Bylaw is naturally present and future-focused rather than backward looking, and resolution of legacy issues is not a purpose of the Bylaw. Resolution of legacy issues can be (and, where feasible, are being) achieved through different mechanisms. Staff also note that clause 5.3 does empower the Council to review historical supply connections in very specific circumstances.	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark
Schedule 2	One submitter requested that the Bylaw include clear, authoritative maps to define water supply areas.	Online maps are available that show the water supply area boundary and are referred to in Schedule 2 of the Bylaw.  The 2011 Bylaw contains a hard copy map of the water supply area. Due to the scale of the map, it is not practical to use where detail of areas or boundaries is required. Both staff and external parties, such as surveyors, already rely on the electronic maps.  The Council, as with most others, has changed its approach to use of hard copy maps as legislation and technology has changed over time, for example, Councils now use electronic maps rather than hard copies of maps in their district plans.	It would be impractical to include hard copy maps in the Bylaw that would provide the appropriate detail to make readable and useable. The online maps are appropriate and sufficient and mirror the way most modern bylaws and similar regulatory instruments operate.	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark

BYLAW CLAUSE	SUMMARY OF SUBMISSION POINT(S)	BACKGROUND / CONTEXT	STAFF ANALYSIS	STAFF RECOMMENDATION	SUBMITTER
Schedule 2	<p>One submitter requested that the Bylaw:</p> <ul style="list-style-type: none"> <li>provide clear rationale for any divergence between water supply area boundary and district plan zoning along with a review.</li> <li>amend the water supply area boundary to better align with the District Plan and anticipated servicing patterns.</li> <li>Reassess the water supply area boundaries prior to implementing a strict prohibition on out of zone connections.</li> </ul>	<p>Online maps are available that show the water supply area boundary and are referred to in Schedule 2 of the Bylaw.</p> <p>Water supply is already considered part of all District Plan residential zoning now and the water supply area boundary reflects this.</p> <p>The boundary of the water supply areas has been determined historically. The boundaries were expanded in 2024 to align with the 2GP serviced residential zone boundaries resulting from the rezoning of new residential areas through the development of the 2GP and settlement of appeals on the 2GP.</p>	<p>The boundary of the water supply areas has been determined historically. It would be impractical to change the boundary at this point.</p> <p>Not all district plan zones are automatically eligible to be serviced with water. If the DCC were to reassess the alignment of water supply area to align completely with district plan zoning, then this may result in uplifting the water supply from rural or rural residential areas which are currently within the water supply area. This would be an unfair outcome that would be likely met with significant objection from affected landowners. Alternatively, immediately including every or more zones within the water supply area is impractical without careful infrastructure and financial planning.</p> <p>The Bylaw also has the ability to be amended via Council approval for water supply area boundary adjustments and to reflect rezoning of areas in the 2GP to provide for growth if and when this occurs.</p>	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark
Schedule 2	One submitter requested that the Bylaw supports, rather than undermines, integrated land use and infrastructure planning, consistent with its obligations under s31 of the RMA.		Staff disagree that the proposed Bylaw undermines integrated land use and infrastructure planning. The Bylaw is a regulatory tool to manage use of the water supply network in the present moment, comprised of a set of rules (terms and conditions) for users. The Bylaw can be amended in the future, if required, to give effect to integrated land use and infrastructure planning policies or decisions determined by the Council through other planning processes.	No change to the proposed Bylaw in response to this submission point.	Darryl Sycamore, Terramark
N/A	Council publicly provide an externally-sourced legal option confirming whether the 2011 water bylaw is live, or has expired	Out of scope	Out of scope - Submission point is about the Water Bylaw 2011. This consultation and hearings process is about the proposed Water Supply Bylaw 2026.	Out of scope	Darryl Sycamore, Terramark
N/A	Should the 2011 bylaw be found to be expired, that Council ensures all 'in-zone' connections issued since the expiry are legal, or provide the necessary retrospective lawful authorisations.	Out of scope	Out of scope - Submission point is about decisions made under the authority of the Water Bylaw 2011. This consultation and hearings process is about the proposed Water Supply Bylaw 2026.	Out of scope	Darryl Sycamore, Terramark



PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

<b>WATER SUPPLY BYLAW 2026</b>			
<b>Approved by:</b>			
<b>Date approved:</b>			
<b>Date of effect:</b>		<b>Reviewed:</b>	
<b>Next review date:</b>		<b>DOC ID:</b>	

This bylaw is made under the authority of the Local Government (Water Services) Act (2025).

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PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**1 APPLICATION**

1.1. This bylaw applies to Dunedin City.

**2 PURPOSE**

2.1. The purpose of this bylaw is to provide for the management and use of the Council’s water supply network in a manner that:

- (a) Enables efficient and effective management of the water supply network, including connection to the water supply network, ~~in a manner that supports the Council to maintain levels of service, and to service areas where growth is anticipated.~~
- (b) Protects the Council’s water supply and water supply network and equipment from contamination and against damage, misuse or interference.
- (c) Protects against water wastage to better conserve drinking water.

**3 DEFINITIONS**

3.1. In this bylaw, unless the context otherwise requires:

ACT	Means the Local Government (Water Services) Act 2025 (and any amendments).
AIR GAP	Means a minimum vertical air gap as defined by the Building Code G12 Water Supplies between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.
ANCILLARY UNIT	Has the same meaning as defined in the Dunedin District Plan.
APPROVAL OR APPROVED	Means approval or approved in writing by the Council.
BACKFLOW	Means the unplanned reversal of flow of water or mixtures of water and contaminants into the public water supply network.
BOUNDARY BACKFLOW PREVENTION DEVICE	Means a device that prevents backflow and is installed at or near the point of supply to prevent backflow occurring into the public water supply network.
BUILDING WORK	Has the same meaning as in the Building Code, namely, work for or in connection with the construction, alteration, demolition, or removal of a building; and includes sitework.  The Building Code defines sitework as work on a building site, including earthworks, preparatory to or associated with the construction, alteration, demolition, or removal of a building.

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COMPLIANCE OFFICER	Means a person appointed by the Council under section 278 of the Act, and as an enforcement officer under section 177 of the Local Government Act 2002.
COUNCIL	Means the Dunedin City Council inclusive of its officers and/or agents.
CUSTOMER	Means a person who uses or has the right to use or direct the manner of use of water supplied by the Council to any property.  <b>(EXPLANATORY NOTE:</b> The customer is normally the owner and/or ratepayer of the property.)
DEDICATED FIRE SUPPLY	Means a category of on-demand supply used solely for the operation of an automatic fire suppression system (e.g. sprinklers) as opposed to other purposes such as drinking water and water for sanitation.
DETACHED MINOR RESIDENTIAL UNIT	Has the same meaning as in the Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025, namely, a minor residential unit that is completely detached from its principal residential unit.
DRINKING WATER QUALITY ASSURANCE RULES	Means the Drinking Water Quality Assurance Rules 2022 (revised 2024) and any subsequent revisions.
EMERGENCY CONDITIONS	An emergency has been declared under the Water Services Act 2021, the Civil Defence Emergency Management Act 2002, the Hazardous Substances and New Organisms Act 1996, or the Biosecurity Act 1993 and immediate action is necessary to respond to the emergency; or any officer, employee, or agent of the Council believes, on reasonable grounds, that a specified serious risk exists.
EXCESSIVE	In relation to water use, means the amount of water used at a property is greater than the amount of water use reasonably expected for an ordinary supply.
EXTRAORDINARY SUPPLY	Means a category of on-demand supply of metered water for extraordinary use that may be subject to specific conditions and limitations and includes: <ul style="list-style-type: none"> <li>(a) Properties situated within a water supply area that do not meet the definition of an ordinary supply (i.e. because the water use at the property is an 'extraordinary use'); or</li> <li>(b) Properties where a connection has been installed or located outside a water supply area prior to 1 April 2011 and that has subsequently been approved by the Council.</li> </ul>
EXTRAORDINARY USE	Means the use of water for the following purposes other than ordinary use and includes, but is not limited to: <ul style="list-style-type: none"> <li>(a) Commercial and business use</li> <li>(b) Industrial use</li> <li>(c) Horticultural use</li> <li>(d) Viticultural use</li> </ul>

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	<ul style="list-style-type: none"> <li>(e) Agricultural use</li> <li>(f) Use at a property zoned Rural or Rural Residential</li> <li>(g) Use at an educational facility (e.g. schools, early-childhood centres, tertiary education institutions)</li> <li>(h) Use at any property that is over 1ha in size that is zoned Large Lot Residential, Low Density Residential or Township and Settlement</li> <li>(i) Use at any property where livestock (excluding poultry) is kept</li> <li>(j) Fire protection systems other than sprinkler systems installed to comply with NZS4517 which have prior approval of the Council</li> <li>(k) Temporary supply</li> <li>(l) Use at any property with:             <ul style="list-style-type: none"> <li>(i) A spa in excess of 10m<sup>3</sup> capacity</li> <li>(ii) A swimming pool in excess of 10m<sup>3</sup> capacity</li> <li>(iii) A water service pipe with a diameter greater than 25mm</li> <li>(iv) Any other nominated use as provided by a decision pursuant to clause 5.6</li> </ul> </li> <li>(m) Use of water at a property outside the water supply area boundary</li> <li>(n) Excessive water use.</li> </ul>
FEES AND CHARGES	Means the list of items, terms and prices for services associated with the supply of water as adopted by the Council in accordance with the Act and the LGA.
INFRINGEMENT FEE	In relation to an infringement offence, means the infringement fee for the offence specified in this bylaw made under the Act.
INFRINGEMENT OFFENCE	Means an offence that is identified in this bylaw made under the Act as being an infringement offence and is an offence as outlined in clause 6.10 of this bylaw.
LGA	Means the Local Government Act 2002 (and any amendments).
MULTIPLE OWNERSHIP	Includes the following forms of property ownership: Company Share/Block Scheme (Body Corporate), Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate).
NOTICE	Means written notice.
OWNER	Means the person owning the property to which water is supplied.
ON-DEMAND SUPPLY	Means a supply of water that is available on demand directly from the point of supply. It includes ordinary supply, extraordinary supply and dedicated fire supply.
ORDINARY SUPPLY	Means a category of on-demand supply to a property within a water supply area used solely for ordinary use.

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ORDINARY USE	<p>Means the use of water solely for domestic purposes in a dwelling (which may include use for accommodation rental activities in a residential unit, ancillary unit or a detached minor residential unit, e.g. Airbnb). This includes the use of a hose for:</p> <ul style="list-style-type: none"> <li>(a) Washing down a car, or other domestic vehicle, boat, house, windows or the like</li> <li>(b) Filling a spa or swimming pool with a capacity of up to and including 10m<sup>3</sup></li> <li>(c) Garden watering by hand</li> <li>(d) Garden watering by a portable sprinkler</li> <li>(e) Water blasting</li> </ul> <p>A property that uses water solely for domestic purposes in a dwelling and meets the definition of extraordinary use will be managed as an extraordinary supply.</p>
PERSON	Means a natural person, and includes a corporation sole, a body corporate and an unincorporated body.
POINT OF SUPPLY	Means the point on the service pipe that marks the boundary of responsibility between the customer and the Council, irrespective of a property boundary, as determined under clause 5.20.
PROPERTY	Means the land and buildings to which water is supplied.
RAW WATER SUPPLY PIPELINE	A Council pipeline that conveys untreated water (raw water) abstracted from the environment to a storage facility or a water treatment plant facility.
RESTRICTED SUPPLY	Means water supply that is restricted due to non-compliance with the bylaw and is different from restricted flow supply.
RESTRICTED FLOW SUPPLY	Means a supply where a small continuous flow is supplied by a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.
RURAL WATER SUPPLY AREAS	Means areas serviced by a restricted flow supply and/or on-demand supply but not necessarily with firefighting capability. These are shown on maps on the DCC's website.
SERVICE PIPE	Means a section of water pipe between a Council watermain and the point of supply, that is owned and maintained by the Council.
SERVICE VALVE	Means the valve at the end of the service pipe, which is on the Council side of the point of supply and is owned and maintained by the Council.
SPECIFIED SERIOUS RISK	<p>Has the same meaning as in section 256 of the Act, namely, a serious risk of, or to, any of the following relating to the delivery of water services:</p> <ul style="list-style-type: none"> <li>(a) Illness, injury or death</li> </ul>

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	<ul style="list-style-type: none"> <li>(b) Public health</li> <li>(c) The natural or built environment</li> <li>(d) Water services infrastructure</li> <li>(e) Sites of cultural significance</li> </ul>
STORAGE TANK	Means any tank having a free water surface.
SUPPLY PIPE	Means the section of pipe between the point of supply and the customer's property through which water is conveyed to the property and owned and maintained by the customer.
TERMS AND CONDITIONS	Means those clauses outlined in this bylaw that apply to the supply of water by the Council.
URBAN WATER SUPPLY AREAS	Means areas serviced by a reticulated water supply network that is intended to supply water to customers via an on-demand supply with firefighting capability. These are shown on maps on the DCC's website.
WATER SERVICES INFRASTRUCTURE	<p>Has the same meaning as in section 4 of the Act, namely,</p> <ul style="list-style-type: none"> <li>(a) means infrastructure that is associated with, or necessary for, providing water services; and</li> <li>(b) includes the capability and capacity of that infrastructure to perform necessary processes, including the attenuation, treatment, and conveyance of water.</li> </ul> <p>In the context of this bylaw, <u>the term 'water services infrastructure' relates refers specifically to the water supply network and does not refer to the wastewater network or the stormwater network.</u></p>
WATER SUPPLY NETWORK	<p>Has the same meaning as in section 4 of the Act, namely, the infrastructure and processes that are –</p> <ul style="list-style-type: none"> <li>(a) used to provide a water supply service; and</li> <li>(b) owned by, or operated by, for, or on behalf of, the Council.</li> </ul> <p>In relation to the Council's water supply network, this includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, raw water pipelines, treatment plants, treated water reservoirs, trunk mains, service mains, watermains, rider mains, pump stations and pumps, valves, hydrants, service pipes, boundary assemblies, meters, manifolds, service valves, Council-owned boundary backflow preventers and tobies.</p>
WATER UNIT	Means one water unit that is delivered at the rate of 1m <sup>3</sup> per day (1,000 litres) and is the basis of measurement for a restricted flow supply in a rural water supply area.
WORKING DAY	Means any day of the week, other than:

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	<p>(a) A Saturday, a Sunday, Waitangi Day, Otago Anniversary Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Matariki Observance Day, Labour Day; and</p> <p>(b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.</p>
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- 3.2. Part 2 of the Legislation Act 2019 applies to the interpretation of this bylaw.
- 3.3. Every schedule to this bylaw forms part of the bylaw.
- 3.4. Every appendix to this bylaw does not form part of the bylaw, and may be inserted, altered or removed at any time without any formal process. Appendices are provided for information purposes only.
- 3.5. Explanatory notes are not part of the bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

**EXPLANATORY NOTE:** Explanatory notes are used to explain the intent of a clause in less formal language and/or to include additional helpful information.

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**4 PROTECTION OF THE WATER SUPPLY NETWORK**

*Access to the system*

- 4.1. No person other than the Council and its authorised agents shall access any part of the water supply network except to connect to the point of supply, where a connection is approved, and to operate the service valve.

*No person to connect to or interfere with the water supply network*

- 4.2. Except as set out in clauses 4.3 and 4.4, no person may connect to, or otherwise interfere with, any part of the water supply network.

*Fire Hydrants*

- 4.3. Drawing water from fire hydrants through the use of a standpipe is not permitted except by Fire and Emergency New Zealand, other emergency services, the drinking water supplier, or authorised contractors to the drinking water supplier where it is reasonably necessary to access the network for the operation of the drinking water supply.

*Approvals to access water*

- 4.4. A person may make a written application to the Council using the appropriate form supplied by the Council for approval to access water from a Council water tanker filling station. Any approval is valid only for the term specified, and subject to compliance with all terms and conditions specified on the approval.

*Working around buried water services infrastructure*

- 4.5. Approval from the Council must be obtained prior to carrying out building work over or near Council water services infrastructure. Applications for approval must be in writing using the appropriate form supplied by the Council. For the purposes of this clause, building work is near water services infrastructure if it is:
- (a) Less than 2 metres from a water services infrastructure pipe that is less than 300mm in diameter; or
  - (b) Less than 10 metres from a water services infrastructure pipe that is 300mm or more in diameter.

except that any person who has obtained a resource consent that includes building work near any water services infrastructure may carry out the work in accordance with the setback distances specified in that consent.

**EXPLANATORY NOTE:** The Council keeps accurate permanent records (as-builts) of the location of its buried water services infrastructure. This information is available for inspection at no cost to the public. Reasonable charges may apply to cover the costs of providing copies of this information.

- 4.6. Any person proposing to carry out excavation or building work must view the as-built information to establish whether or not components of the Council's water services infrastructure are located in the vicinity. At least five working days' notice in writing must be given to the Council of an intention to excavate in the vicinity of its water services infrastructure.

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- 4.7. A fee may be payable if the Council considers it is appropriate to mark out to within +/- 0.5m on the ground the location of its water services infrastructure and to advise in writing any restrictions on the work it considers necessary to protect its services.
- 4.8. When excavating and working around buried services due care must be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specifications.
- 4.9. Any damage that occurs to Council water services infrastructure must be reported to the Council immediately. The person causing the damage must reimburse the Council for all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the incident.

**EXPLANATORY NOTE:** Excavation within roadways is also subject to the permit process of the appropriate Roading Authority. Excavation and building work around Council water services infrastructure may also be subject to the requirements of the Council's District Plan. Electronic maps showing indicative locations of buried DCC water services infrastructure are available on the DCC website (water services map) and via beforeudig.co.nz.

**Water Supply Catchment Management**

*Catchment Classes*

- 4.10. ~~Both surface water and groundwater catchment areas~~ Council-owned water supply catchments from which water is abstracted for the purposes of the water supply service are classified as:
  - (a) Controlled;
  - (b) Restricted;
  - (c) Open.

Council's water supply catchments and their classifications are set out in Schedule 1.

*Controlled catchments*

- 4.11. The following conditions apply to controlled catchments, ~~or any area held by the Council as a water reserve.~~

*Entry*

- (a) ~~These areas~~ Controlled catchments must not be entered by any person except those specifically approved by the Council. ~~Within controlled catchments a person must not:~~
  - (i) ~~Camp;~~
  - (ii) ~~Take, or allow to stray, any livestock;~~
  - (iii) ~~Bathe or wash anything;~~
  - (iv) ~~Deposit dirt, rubbish or foul material of any kind;~~
  - (v) ~~Defecate;~~
  - (vi) ~~Undertake any new activity related to dredging or mining of any kind.~~

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*Approvals*

- (b) A person may apply in writing to the Council using the appropriate form supplied by the Council for approval to enter a controlled catchment. Any approval is valid only for the term specified, and subject to compliance with all terms and conditions specified on the approval. Approvals may forbid or impose conditions to regulate activities such as:
- (i) Hunting, trapping, shooting or fishing;
  - (ii) Lighting or maintaining any fire;
  - (iii) Taking of any dog or other animal into a catchment area;
  - (iv) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property;
  - (v) Excavation;
  - (vi) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals; and
  - (vii) Use of any pesticide or toxic substance for any purpose whatsoever;
  - (viii) Pest control activities;
  - (ix) Track maintenance.
- (c) Every person issued with an approval by the Council under this clause of the bylaw must produce their approval for inspection by a compliance officer.
- (d) An approval issued under this clause cannot be transferred.
- (e) The Council may at any time, by notice in writing delivered to the holder, suspend any approval for such time as stated in the notice, or may revoke the approval.

*Interference and obstruction*

- (f) If requested by the Council a person must immediately leave a controlled catchment, ~~or land held by the Council as a water reserve.~~

**EXPLANATORY NOTE:** The person may also be liable for a breach of any of the provisions of this bylaw. Failure to leave the area constitutes a further offence.

- (g) A person must not obstruct or hinder any compliance officer in the exercise of any powers under this bylaw.

*Restricted Catchments*

- 4.12. Within a restricted catchment, persons undertaking the following activities will be allowed unrestricted entry:
- (a) Tramping, trail running or any similar 'on-foot' activity on existing tracks, including with a dog (subject to the terms and conditions of the Dunedin City Council Dog Control Bylaw 2024 or any replacement);
  - ~~(b) Hunting;~~
  - ~~(c) Trapping;~~
  - (d) Fishing.

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For any other activities, the restricted catchment area will be managed as if it was a controlled catchment area (see clause 4.11).

*Open Catchments*

4.13. In open catchments there ~~is~~ are no restrictions on activities under this bylaw, except in relation to:

- (a) ~~any new activity related to dredging or mining of any kind;~~
- (b) where a reservoir is in an open catchment as set out in clause 4.14;
- (c) hunting and trapping in an open catchment, for which approval should be sought in accordance with clause 4.11(b) of the bylaw.

~~For any new activity related to dredging or mining of any kind, the open catchment will be managed as if it was a controlled catchment area (see clause 4.11).~~

**EXPLANATORY NOTE:** Activities in natural waterways are regulated by the Resource Management Act 1991 rather than this bylaw. In addition to this bylaw, there may also be provisions of regional plans, district plans and/or National Environmental Standards that apply to activities on land in controlled, restricted and open catchments.

Additionally, users are reminded that the DCC's Reserves and Beaches Bylaw (2017) and its rules apply to all DCC water supply catchment lands. It is recommended that if users are crossing between DCC catchment land and neighbouring land owned by, for example, the Department of Conservation, to check the adjacent landowners' access rules.

*Reservoirs*

4.14. Swimming, bathing, boating or any similar activity, and the dumping of any rubbish or release of other potential sources of contaminants, is prohibited in all Council reservoirs. No person, or their pets, may enter the following:

- (a) Southern Reservoir;
- (b) Rossville Reservoir;
- (c) Cedar Farm Reservoir;
- (d) Ross Creek Reservoir;
- (e) Sullivans Dam;
- (f) Mt Grand Reservoir;
- (g) West Taieri Reservoir.

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*Spillages and adverse events*

- 4.15. No person may apply any toxic or hazardous substances to land or water within any water supply catchment unless approved by the Council. The person responsible for any spillage or other event that releases or is likely to release hazardous substances into the waters of any catchment, or may compromise any part of the water supply network, must advise the Council immediately. This requirement is in addition to other notification procedures required by other authorities.

**5 CONDITIONS OF SUPPLY**

*Water Supply Areas*

- 5.1. The urban and rural water supply areas are in Schedule 2 of this bylaw.
- 5.2. No new supply connections will be permitted to properties lying outside a water supply area.
- 5.3. Where a water supply connection was installed or located outside the water supply area boundaries prior to 1 April 2011 without any formal approval by the Council, the Council will review the connection to ensure the safety and integrity of the water supply network. Following the review the Council at its discretion, may approve the connection as an extraordinary supply or take any other reasonable actions to preserve the safety and integrity of the water supply network.

**EXPLANATORY NOTE:** In rare instances where the water supply area boundary bisects a property, the Council will determine whether the property is to be treated as falling within or outside of the water supply area, taking into account the proportions of the property within and outside the water supply area, the zoning of property as defined in the Dunedin City District Plan, and the availability of appropriate water supply network infrastructure to establish a water supply connection at the property.

*Application for Supply*

- 5.4. Any person wishing to:
- (a) Establish a point of supply;
  - (b) Change the use of an existing supply;
  - (c) Make a change to boundary backflow prevention measures; or
  - (d) Use water for any purpose other than ordinary use
- shall make a written application to Council using the appropriate form supplied by the Council.

**EXPLANATORY NOTE:** Council staff are available to discuss the requirements of the bylaw with prospective applicants before they prepare a water supply application. Please contact the DCC on 03 477 4000 to ask for assistance. Pre-application discussions are particularly encouraged where application proposals are complex.

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- 5.5. A person may apply in writing to the Council to connect to a water supply using the appropriate form supplied by the Council and accompanied by payment of the prescribed charges. The application must provide all the details required by Council.
- 5.6. The Council will follow the 3-step approval process below:
- (a) *Step 1:* Assess the concept plan for a water connection, to ensure that the water supply network has enough capacity for the proposed supply and will comply with the requirements of clauses 5.19-5.52 (Point of Supply and Types of Supply). If satisfied of these matters, the Council will approve the concept plan.
  - (b) *Step 2:* Assess the engineering plans for a water supply connection, to ensure that the proposed activity can be implemented. If satisfied that the plan can be implemented, the Council will approve the engineering plans.
  - (c) *Step 3:* Final approval and sign off – if the Council is satisfied, after considering the inspections of completed works and supporting documentation, that the work has been completed to an acceptable standard and in accordance with the approvals given under steps 1 and 2, the Council will give final approval and sign off for the connection.
- 5.7. All applicants who apply for a water supply connection:
- (a) May apply for an approval of more than one step in clause 5.6 at the same time.
  - (b) May amend the application for approval at any stage before the application has been approved.
  - (c) May amend the application for approval after the Council has made its decision (in which case the Council will consider the amended application using the same process as outlined above in clause 5.6).
- 5.8. The applicant must obtain any other relevant resource consents, before the Council makes the connection to the water services network and confirm with the Council that any relevant resource consents have been obtained, before completing the connection to the water services network.
- 5.9. If not advised earlier, following approval under Step 1, the Council will inform the applicant of the type of supply, the size of the connection, any conditions applicable and the general terms and conditions under which water will be supplied.
- 5.10. If an applicant has applied for more than one step at the same time, the Council may approve more than one step of the approval process at the same time.
- 5.11. If the application for a water connection is declined, the applicant may apply in writing to the Council for an internal review of that decision within 20 working days of the original decision coming to the applicant's notice. An internal review of the decision must proceed in accordance with sections 151-157 of the Act.

**EXPLANATORY NOTE:** Council does not approve new connections to private watermains that have been established historically. If a person wants to establish a new connection to a private watermain they should seek their own advice as to their authority to connect.

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Council authorisation for the supply of water by way of an Application for Supply (as provided for in this bylaw) is still required.

*Connections Process*

- 5.12. No connection may be made to the water supply network without approval from the Council.
- 5.13. The Council will supply and install the service pipe and associated fittings (including the service valve) up to the point of supply at the customer's cost; or may allow the supply and installation of the service pipe and associated fittings (including the service valve) up to the point of supply to be carried out by approved contractors engaged by the customer at the customer's cost.
- 5.14. An agent for the owner must have the authority to act on behalf of the owner of the property for which the supply is sought and must produce written evidence of this if required.
- 5.15. An approved application for supply which has not been actioned within 12 months of the date of approval, will lapse unless a time extension has been approved.
- 5.16. New supplies from any raw water supply pipeline will not be permitted.
- 5.17. As part of a subdivision process, the Council will require individual supply connections to resultant properties that originally shared a supply connection prior to subdivision. The Council will notify property owners if this requirement is triggered.
- 5.18. If a new individual water supply connection is required after a property is subdivided, any cost for the new supply connection must be met by the owner of the new property requiring the new individual water supply connection.

*Point of Supply*

- 5.19. The Council will own and maintain the service pipe, service valve and fittings up to the point of supply. The customer owns and maintain the supply pipe beyond the point of supply.
- 5.20. The point of supply is any of the following:
  - (a) the downstream thread on the service valve within the toby, manifold or stopcock assembly for ordinary supply;
  - (b) the downstream thread of the tailpiece on an in-line water meter for extraordinary supply;
  - (c) the downstream side of the restrictor for restricted supply and restricted flow supply;
  - (d) the downstream thread on the service valve for dedicated fire supply;
  - (e) the final fitting on a Council tanker filling station; or
  - (f) as determined by the Council where none of (a) – (e) apply.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**EXPLANATORY NOTE:** The Council gives no guarantee regarding the serviceability of the service valve located on the service pipe. Where there is no customer stopcock, or where maintenance is required between the point of supply and the customer stopcock, the customer may use the service valve to isolate the supply. The Council reserves the right to charge for maintenance for the service valve if damaged by such customer use.

*Single Ownership*

- 5.21. For each individual property there must be only one point of supply unless otherwise approved, or unless required by another provision of this bylaw.
- 5.22. For individual customers the point of supply should be located 250mm from the roadside property boundary or as near as practicable to the roadside property boundary as determined by Council.
- 5.23. Where individual customers' properties are individual lots accessed by a shared private right of way the point of supply must be located as follows:
  - (a) For 2-4 customers on a shared private right of way each customer must have an individual supply with the point of supply 250mm from the roadside property boundary.
  - (b) For 5 or more customers on a private right of way each property that fronts the Right of Way must have its own point of supply located either:
    - (i) where there is a Council watermain installed in the right of way, 250mm from the property boundary that fronts the Right of Way; or
    - (ii) where there is no Council water main installed in the right of way, individual supplies with the point of supply 250mm from the roadside property boundary.

**EXPLANATORY NOTE:** Typical point of supply layouts and locations for ordinary and extraordinary supplies are shown in Appendix 1, Examples 1, 2 and 3.

In relation to clause 5.23(a), see Appendix 1, Example 4.

In relation to clause 5.23(b), see Appendix 1, Example 5 for (b)(i) or Appendix 1, Example 4 for (b)(ii).

Where a watermain is proposed to be installed in a private right of way for the purpose of servicing five or more customers whose properties are individual lots accessed by the shared private right of way, the watermain may be vested in Council if it is designed and constructed to Council specifications and has the capacity for any future development that could occur on the site under permitted density rules of the District Plan.

*Multiple Ownership*

- 5.24. The point of supply for multiple ownership is located 250mm from the roadside property boundary or as otherwise approved by the Council.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**EXPLANATORY NOTE:** In relation to clause 5.24, see Appendix 1, Example 6 or Example 7.

**EXPLANATORY NOTE:** Private watermains that service more than one property are not an acceptable option for new subdivisions or developments if a ~~body corporate~~ legal entity has not been legally established to own and manage the private watermain.

- 5.25. Where any property contains multiple units owned by one customer (e.g. flats or community housing) and are subsequently subdivided into separate lots, all resulting lots must have individual water supply connections that comply with this bylaw at the time of subdivision. All works to provide individual supplies, and thereby ensuring compliance with the bylaw, are at the customer's expense.

**EXPLANATORY NOTE:** When new multiple residential units are being developed on a lot owned by one ratepayer with the intention that they will be subdivided or individually sold at a later date, the landowner/developer is strongly recommended to provide individual water connections to the residential units at the time of development to avoid Council requiring installation of individual supplies at the time of subdivision.

*Dedicated fire supply*

- 5.26. For commercial and industrial properties with automatic fire suppression systems (and residential properties where a sprinkler system is to be installed) separate water supply connections are required (a) for fire-suppression purposes and (b) all other purposes (e.g. water supply for drinking and sanitation).

**EXPLANATORY NOTE:** See clause 5.20(d) for the point of supply for dedicated fire supplies. Also see Example 8 or 9 in Appendix 1.

*Access to and about the point of supply*

- 5.27. Where the point of supply is on private property the customer will allow the Council access to, and about the point of supply between 7.30am and 6.00pm on any day for:
- (a) Meter reading without notice; or
  - (b) Checking, and testing, with the customer's agreement, and
  - (c) Maintenance work, with ten working days' notice being given by the Council.
- 5.28. Where access is not made available under clause 5.27 and a return visit is required by the Council, the Council reserves the right to charge customers for the time spent and any cost incurred to make the meter accessible.
- 5.29. Under emergency conditions, or to address a specified serious risk, the customer must allow the Council free access to and about the point of supply at any hour on any day. As soon as practicable after the Council gains access it will inform the customer of the emergency entry.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

*Maintenance of Access*

- 5.30. The customer must maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent, convenient access.

***Types of Supply***

- 5.31. The water supply provided by the Council is classified as either 'on-demand supply' or 'restricted flow supply'. On-demand supplies are further classified as 'ordinary supply' or 'extraordinary supply' or 'dedicated fire supply'.

*On-demand/Ordinary Supply*

- 5.32. Ordinary supply is for ordinary use as defined in this bylaw.
- 5.33. Every property where an on-demand supply is available is entitled to an ordinary supply of water, subject to the following conditions:
- (a) The property is within a water supply area (refer to electronic maps on the DCC website).
  - (b) The exclusion of its use for any specified purpose, and in particular for garden irrigation, under any restrictions made by the Council under clause 5.56 or clause 5.58.
  - (c) Payment of the appropriate charges in respect of that property.
  - (d) Any other charges or costs associated with subdivision and land-use development.
  - (e) The supply is not used for any extraordinary use or is not a dedicated fire supply.
  - (f) Any relevant provisions of this bylaw.
- 5.34. An ordinary supply of water will not normally be metered, but the Council reserves the right to fit a meter and charge where it considers the customer's water use is excessive.
- 5.35. The Council will determine whether the use is excessive by taking into account the number of users at the property, the Council's per person per day average water ~~use~~ consumption target, and making a reasonable allowance for some leakage.

**EXPLANATORY NOTE:** the Council's per person per day average water consumption target is currently <240 litres, as stated in Dunedin's 9-Year Plan 2025-34.

- 5.36. Any determination that water use is excessive may not be notified to the customer before a meter is fitted. The customer may ask for the decision to be reviewed in accordance with clause 7.1 of the bylaw.

*On-demand/Extraordinary Supply*

- 5.37. An extraordinary supply is normally metered and charged for in accordance with this bylaw and must have an appropriate boundary backflow prevention device.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

- 5.38. The Council is not obliged to provide an extraordinary supply of water to any property.
- 5.39. Where the supply of water to any property changes and/or consists of both ordinary and extraordinary supply, the Council may require that each supply is separated into ordinary supply and extraordinary supply at the customer's cost, as deemed reasonable in each particular case.

**EXPLANATORY NOTE:** This means that for multi-use or multi-tenanted properties, a combination of water rates and charges may apply.

*On-demand/Dedicated Fire Supply*

- 5.40. The Council is under no obligation to supply water for fire protection purposes at any particular flow or pressure.
- 5.41. It is the customer's responsibility to ascertain and monitor whether the supply available for fire protection purposes is adequate for the intended purpose.
- 5.42. A service pipe used for dedicated fire supply:
- (a) must be an entirely separate service pipe from any other service pipe to the property;
  - (b) must not be used for any purpose other than use and testing of the fire protection system;
  - (c) is not normally metered. If metering is required, the meter must be a unit complying with the relevant fire sprinkler standard. Mechanical flow meters shall not be installed on dedicated fire supply lines, as they could compromise flow under fire conditions.
- 5.43. Where the supply of water to any property is metered, the Council may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the water meter, provided that:
- (a) The drawing of water will only be permitted in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
  - (b) Where a Council approved detector check valve has been fitted on the meter bypass.
- 5.44. Where it is likely or possible that water will be drawn from it by any person for purposes other than firefighting, the Council may require the supply to be metered. If metering is required, the meter shall not compromise flow under fire conditions.
- 5.45. Fire hose reels must be connected only to the metered supply, not to the dedicated fire supply line.
- 5.46. Water used for the purpose of extinguishing fires will be supplied free of charge. Where water has been used for firefighting purposes from a metered connection, the Council will estimate the quantity of water used, and credit the customer's account an amount based on the estimate.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

- 5.47. Water used for routine flushing and flow testing for dedicated fire supply lines does not constitute waste but the quantity of water used may be assessed and charged for by the Council.

*Restricted Flow Supply*

- 5.48. Restricted flow supply is available only to property within a rural water supply area, or under special conditions set by the Council.
- 5.49. The water supply will be restricted to deliver the agreed number of water units over a 24-hour period.
- 5.50. It is the customer's responsibility to supply water storage for their needs.
- 5.51. All storage tanks used by customers with restricted flow supplies must include an air gap for the purpose of backflow prevention.
- 5.52. The Council will charge for the restricted flow supply by either:
- (a) The volume passing through a meter at the sole discretion of the Council; or
  - (b) The agreed number of water units.

*Continuity of Supply*

- 5.53. Due to practical and physical limitations the Council cannot guarantee an uninterrupted or constant supply of water in all circumstances or the continuous maintenance of any particular pressure but will endeavour to provide a continuous supply, subject to the exemptions contained in clauses 5.56, 5.58 and 5.59. Refer also to clause 5.55.
- 5.54. Where works of a permanent or temporary nature are planned which will substantially affect an existing supply, the Council will consult with, or inform or give notice to all known customers likely to be substantially affected.

*Uninterrupted Service*

- 5.55. If a customer has a particular requirement for an uninterrupted service (flow, pressure or quality), it will be the responsibility of that customer to provide any storage, back up facilities, or equipment necessary to provide that service.

*Demand Management*

- 5.56. The customer will comply with any restrictions which may be approved by the Council to manage high seasonal or other demands (which may also be related to Otago Regional Council resource consent compliance requirements or any variation to a resource consent). Such restrictions will be publicly notified.
- 5.57. Even when such restrictions apply, the Council will take all practical steps to ensure that an adequate supply for ordinary use is provided to each point of supply.

*Emergency Restrictions*

- 5.58. During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, for any or all of its customers. Such restrictions shall be publicly notified.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

*Maintenance and Repair*

- 5.59. Wherever practical the Council will make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the Council may shut down the supply without notice. A shutdown will normally not exceed 8 hours.

**EXPLANATORY NOTE:** Notification to consumers and the provision of alternative means of supply will comply with the requirements of the Water Services Act 2021.

*Liability*

- 5.60. The Council is not liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

**Boundary Backflow Prevention**

- 5.61. The customer is responsible for:
- (a) Taking all necessary measures to prevent backflow into the Council's water supply network.
  - (b) Implementing boundary backflow prevention measures either by providing an adequate air gap or using an appropriate boundary backflow prevention device and by ensuring the device or air gap is operating effectively at all times.
  - (c) In the case of a restricted flow supply, not making any connections between the point of supply and the air gap at the inlet to the customer storage tank. All household plumbing and outdoor taps must be supplied from the customer storage tank.

**EXPLANATORY NOTE:** The process for determining an appropriate boundary backflow prevention device is set out in the Council's Boundary Backflow Prevention Policy. For the purposes of 5.61(b), use of an appropriate boundary backflow prevention device for properties with a 'very low' risk hazard classification can be achieved by use of the device provided (and owned) by the Council.

Compliance under the Building Act 2004 does not absolve the property owner from the requirements of the Water Services Act 2021 for point of supply backflow prevention.

- 5.62. Any person must immediately notify the Council if they have reason to believe that backflow has occurred into the Council's water supply network.
- 5.63. At the Council's request, the customer must provide any information about any water use or activity on the customer's side of the point of supply in relation to a boundary backflow risk classification, and/or take any action(s) requested by the Council to ensure boundary backflow prevention is achieved to the Council's satisfaction.
- 5.64. Where there is a change of water use or activity carried out on the customer's side of the point of supply that may alter the boundary backflow risk classification, the customer must:
- (a) Notify the Council in writing of any change of water use or activity; and

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- (b) Demonstrate how boundary backflow prevention will be achieved in relation to the change, to the Council's satisfaction; and/or
  - (c) Install an appropriate boundary backflow prevention device and comply with any other requirement made by the Council, including, under section 27 of the Water Services Act 2021.
- 5.65. Council-owned boundary backflow prevention devices will be located on the Council side of the point of supply, generally in the manifold assembly with the service valve.
- 5.66. The Council will approve the location and installation requirements for a customer-owned boundary backflow prevention device. The Council will apply the following matters related to device location and installation specifications:
- (a) Customer-owned boundary backflow prevention devices must be located immediately downstream of the point of supply, just inside the customer's property boundary. If this location is not possible, the written approval of the Council is required for an alternative installation location.
  - (b) Devices must be sited for safe and easy testing and maintenance access (including easy access to the test cocks and shut off valves) and away from other hazards, for example, heavy traffic.
  - (c) Devices must be accessible at all times for inspection, testing and maintenance purposes.
  - (d) Devices must be serviceable in-line, i.e. without removal from their position in the pipe.
  - (e) Plantings must not interfere with access to and operation of the device.
  - (f) Reduced Pressure Zone devices are to be installed above ground with a minimum vertical clearance of 300mm between finished ground level and the lowest point on the device's relief valve.
  - (g) For testable boundary backflow prevention devices, with the exception of devices installed on a dedicated fire supply, all boundary backflow prevention devices must be installed with an isolating valve and line strainer upstream, and an isolating valve downstream of the device. Where the customer needs continuous supply, two devices with isolating valves should be installed in parallel so that one is still available for use while the other is being tested or maintained.
  - (h) Where testable double check valve devices are installed in an underground chamber, the design must allow for servicing by top entry and the chamber must be well drained. For larger sized testable double check valve devices above 50mm diameter, these shall be installed above ground unless written approval is provided from Council. This is to allow for ease of access and possible future upgrading to reduced pressure zone devices.
  - (i) Any other matter the Council considers relevant to the specific device location and installation.

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- 5.67. Boundary backflow prevention devices and air gaps used for boundary backflow prevention purposes must be registered with the Council using the appropriate form within 10 working days of installation.
- 5.68. Where a customer considers that the type of boundary backflow prevention device in use is no longer necessary, they may apply to Council for the device to be removed and another device type (e.g. a non-testable device) installed in its place. The customer is responsible for providing all relevant evidence and risk assessments to support their application and meeting all costs of processing the application.
- 5.69. Where the request is granted, the removal and replacement procedures must be approved by Council and all costs involved borne by the customer. Any Building Consent required, or Building Consent exemption is the responsibility of the customer. Full and appropriate records of the change must be provided to Council.

**EXPLANATORY NOTE:** Council's Boundary Backflow Prevention Policy sets out additional matters the Council may consider in relation to location and installation.

*Boundary backflow hazard risk category*

- 5.70. The Council will assess all water supply connections for backflow hazards and risk and assign a boundary backflow hazard risk category. The customer must use a boundary backflow prevention device appropriate to the hazard risk category determined by the Council.
- 5.71. The customer must not bypass a boundary backflow prevention device or an air gap used for boundary backflow prevention purposes unless the bypass is also fitted with an approved boundary backflow device appropriate for the same hazard risk category.

**EXPLANATORY NOTE:** Council's Boundary Backflow Prevention Policy provides more information about boundary backflow hazard risk categories.

*Boundary backflow prevention device testing and air gap verification*

- 5.72. Testable boundary backflow prevention devices must be tested as soon as practicable after installation to verify correct installation and function. The customer must arrange the first, post-installation test of a new boundary backflow prevention device by an Independently Qualified Person (IQP) approved for backflow prevention device testing (Specified System 7) by the South Island IQP Panel and provide the test result to the Council, within 10 working days of the installation of the device.
- 5.73. Testable boundary backflow prevention devices must be tested annually.
- 5.74. In circumstances where annual testing of a boundary backflow prevention device is undertaken by the customer, the test results must be provided to the Council's 3 Waters Group within 10 working days of the test. For the avoidance of doubt, this includes the results of the annual testing of boundary backflow prevention devices installed on dedicated fire supplies that are tested by the customer for a Building Warrant of Fitness.
- 5.75. In the event a boundary backflow prevention device fails a test, the customer must arrange for the device to be repaired within a timeframe determined by the Council.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

- 5.76. In addition to annual testing, boundary backflow prevention devices installed on dedicated fire supplies must be tested immediately after use of the dedicated fire supply for fire suppression and after each full flow test conducted on the fire suppression system. This testing is to be arranged by the customer and the customer must provide the results to the Council's 3 Waters Group within 10 working days of the test.
- 5.77. The customer must arrange the first, post-installation verification of a new air gap used for the purpose of boundary backflow prevention by a suitably qualified and experienced person, and provide the test to the Council, within 10 working days of the installation of the air gap.
- 5.78. Air gaps used for the purpose of boundary backflow prevention must be verified annually.

**EXPLANATORY NOTE:** Council's Boundary Backflow Prevention Policy provides more information about annual boundary backflow prevention device testing.

*Unmanaged risk*

- 5.79. Where there is a risk of backflow to a reticulated drinking water supply and the customer does not take action to provide adequate boundary backflow prevention, the Council may fit a boundary backflow prevention device on the Council side of the point of supply. In these circumstances, the installation, testing and maintenance shall be at the customer's expense.

*Boundary backflow prevention for dedicated fire supply*

- 5.80. A dedicated fire supply must be fitted with a testable double check valve backflow prevention device on the customer side of the point of supply in the valve house. Additionally, a reduced pressure zone backflow prevention device must be fitted on the customer side of the point of supply at the boundary if chemicals are added to the fire protection system.

**EXPLANATORY NOTE:** See Appendix 1, Example 8.

- 5.81. Council reserves the right to require additional backflow protection on the dedicated fire supply line depending on the location of the valve house and the distance between that and the point of supply.

**EXPLANATORY NOTE:** In the case of dedicated fire supply lines, a long distance between the point of supply on the water main to the double check valve in the valve house can lead to large volumes of water sitting unused in pipelines for long periods of time. To prevent this unused water from returning to the public water supply network, the Council may require the installation of an additional boundary backflow prevention device on the customer's side of the point of supply. See Appendix 1, Example 9.

- 5.82. Backflow prevention devices associated with dedicated fire supply are to be installed in the sprinkler valve house, or other secured environment as approved by Council. If Council requires additional backflow prevention on the dedicated fire supply line close to the boundary, this device must not compromise the performance of the fire suppression system.

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***Council Equipment and Inspection***

- 5.83. The customer must take due care not to damage any part of the water supply network, including but not limited to pipework, valves, meters, restrictors, chambers and backflow prevention devices.
- 5.84. Subject to the provisions of the Act, or the Water Services Act 2021, as appropriate, the customer will allow a compliance officer or authorised agent of the Council, with or without equipment, access to any area of the property for the purposes of determining compliance with this bylaw.

***Meters and Flow Restrictors***

*Installation*

- 5.85. Meters for on-demand supplies, restrictors for restricted flow supplies, and restrictors for restricted supplies will be supplied, installed and maintained by the Council and will remain the property of the Council.

*Accuracy*

- 5.86. Meters shall be tested as and when required by the Council and as prescribed in the current Water Meter Code of Practice (OIML R49) published by the New Zealand Water and Wastes Association.
- 5.87. Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period of not less than one hour at its expected minimum operating pressure. A copy of independent certification of the test result shall be made available to the customer on request.
- 5.88. Any customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested, provided that it is not within three months of the last test. If the test shows the meter or restrictor is not accurate, the customer will not be charged for the test. If the test shows the meter or restrictor is accurate, the customer must pay for the cost of the test as prescribed by the Council.
- 5.89. If a tested meter is found to be reading inaccurately, the Council will adjust the customer's account accordingly, and either refund or charge the customer according to the adjusted account.

*Estimating Consumption*

- 5.90. Should any meter be out for repair, or cease to register, or be removed or is inaccessible or is not read for any other reason, the Council will estimate the consumption for the period since the previous reading of such meter, (based on the average of usage over the previous 12 months charged to the customer) and the customer will pay according to such an estimate. Provided that when, by reason of a large variation of consumption due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate and the customer will pay according to such an estimate.
- 5.91. Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as described in clause 5.90.

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*Incorrect Accounts*

- 5.92. Where a situation occurs other than as provided for in clauses 5.90 and 5.91, where the recorded consumption does not accurately represent the actual consumption on a property, then the account shall be adjusted using the best information available to the Council. Such errors include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies. Where an adjustment is required in favour of the Council or the customer, this shall not be backdated more than 36 months from the date the error was detected.

*Prevention of Waste*

- 5.93. The customer must:
- (a) prevent and not intentionally allow water to run to waste from any pipe, tap or other fitting;
  - (b) not create a nuisance by allowing water to run onto an adjoining property;
  - (c) not allow the condition of the plumbing within the property to deteriorate to the point where leakage and or wastage is uncontrolled.
- 5.94. The Council provides water for consumptive use not as an energy source. The customer must not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators or any other similar device, unless specifically approved by Council.
- 5.95. The customer must not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by Council.

*Transfer of Rights and Responsibilities*

- 5.96. Reallocation of water units for restricted flow supply:
- (a) Where a customer relinquishes one or more water units, then the water units will be made available for reallocation by the Council at its discretion. Any relinquished units must not be traded between customers in the rural water supply area;
  - (b) Where a customer subdivides their property, any existing water units may be re-allocated within that subdivided parcel of land and as determined by agreement with the Council.

*Change of Ownership*

- 5.97. In the event of a property changing ownership the Council will automatically record the new owner as being the customer at the property.
- 5.98. Where a property is metered the outgoing customer must give the Council at least two working days' notice to arrange a final reading.

*Disconnection at the customer's request*

- 5.99. The customer must give 20 working days' notice in writing to the Council of the requirement for disconnection of the supply.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**6 BREACHES AND INFRINGEMENT OFFENCES**

***Breach of Bylaw***

- 6.1. A person breaches this bylaw when they fail to comply with any provision in this bylaw.

***Breaches of Conditions of Supply***

- 6.2. The following are breaches of the terms and conditions to supply water, and also a breach of this bylaw:
- (a) The provision of false information in an application for supply connection that fundamentally affects the conditions of supply.
  - (b) Failure by the customer to meet and comply with the conditions of supply in this bylaw.
  - (c) Frustration of the Council's ability to adequately and effectively carry out its obligations.
- 6.3. In the event of a breach of the terms and conditions of supply, the Council may serve notice on the customer advising the nature of the breach, the steps to be taken to remedy the breach, and the date by which the breach must be remedied. If the breach is not remedied by the date specified in the notice the Council may restrict the supply to the property in accordance with the Water Services Act 2021.
- 6.4. In the event Council acts to restrict supply, full supply will be reinstated only after payment of the appropriate reconnection fee and remedy of the breach to the satisfaction of the Council.

***Offences and Penalties***

- 6.5. Any breach of this bylaw which is an infringement offence specified in clause 6.10 is subject to an infringement fee.
- 6.6. Every person who breaches any other provision of this bylaw commits an offence and is liable on conviction to a fine not exceeding \$500.

***Infringement Offences***

- 6.7. A compliance officer may issue an infringement notice for infringement offences under the Act, specified in clause 6.10 of the bylaw.
- 6.8. The infringement notice must be in the form prescribed in Schedule 3 of the bylaw. The form of reminder notice is set out in Schedule 4 of the bylaw.
- 6.9. The infringement fee for infringement offences in clause 6.10 is set at \$1000 for an individual, or \$3000 for a body corporate.
- 6.10. A person commits an infringement offence if they:

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

- (a) Carry out building work over or near water services infrastructure ~~contrary to clause 4.5 of the bylaw, without approval. Building work is near water services infrastructure if:~~
- ~~(i) It is less than 2 metres from a water services infrastructure pipe that is less than 300mm in diameter.~~
  - ~~(ii) It is less than 10m from a water services infrastructure pipe that is 300mm or more in diameter.~~
- (b) Discharge into the water supply network without authorisation.
- (c) Connect to or disconnect from the water supply network, or extend their supply connection to supply water to another property without authorisation.
- (d) Carry out work on or in relation to the water supply network without notifying the Council and obtaining authorisation from the Council, or carry out work that is not in accordance with the terms and conditions of any authorisation.
- (e) Breach a source water risk management plan or permit under this bylaw.
- (f) Fail to comply with any duty in this bylaw relating to equipment or device and that failure causes a specified serious risk.
- (g) Fail to notify the Council of a notifiable risk or hazard, where that person has a duty to do so, and that failure causes a specified serious risk.
- (h) Fail to comply with a water use restriction or limit under this bylaw and that failure causes a specified serious risk.
- (i) Fail to comply with the bylaw by undertaking specified classes of work, namely building work, near, under or above the water supply network.
- (j) Fail to comply with a direction given by a compliance officer.
- (k) Fail to comply with a compliance order or court order.
- (l) Tamper with a water meter without prior authority from the Council.

*Interference with Equipment*

- 6.11. No person shall tamper or interfere with Council equipment. The Council shall be entitled to estimate (in accordance with clause 5.90) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**7 BYLAW ADMINISTRATION**

*Review of Decision*

- 7.1. If any person is dissatisfied with any decision by the Council or a compliance officer made under this bylaw, that person may, by notice delivered to the Chief Executive of the Council no later than five working days after the decision by the compliance officer is notified to that person, request the Chief Executive to review any such decision. The decision made by the Chief Executive will be final.
- 7.2. Where the decision to be reviewed under clause 7.1 is a decision to restrict supply and a request for a review of the decision is received before the Council restricts the supply, the Council must not restrict the supply until the Chief Executive has made a decision on the review. This does not apply to situations where health and safety concerns or a specified serious risk require the Council to proceed with immediate steps to restrict the supply.
- 7.3. Nothing in this clause affects any right of appeal or review, including any internal review process, available under the Act.

***Charges and Payments***

*Fees and Charges*

- 7.4. The Council may prescribe fees and charges for the performance of any function or power or provision of any service under the bylaw in accordance with section 258(3) the Act.

**EXPLANATORY NOTE:** The Council generally sets its fees and charges annually and uses rates to fund the water supply service, as provided for in the Local Government (Rating) Act 2002.

*Payments*

- 7.5. The customer is liable to pay for the supply of water and related services in accordance with the Council's fees and charges.
- 7.6. The customer is liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage.

*Recovery of Costs*

- 7.7. The Council may recover costs in accordance with the Act and the Local Government Act 2002.

*Cease to Supply*

- 7.8. The customer is deemed to be continuing to use the water supplied and will be liable for all charges, until the final meter reading, when water ceases to be supplied to the customer.

*Savings*

- 7.9. Any approval, permission, exemption or other authorisation given by the Council prior to the commencement date of this bylaw, in relation to matters addressed in this bylaw, continues

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

to have effect for the purpose of this bylaw, but is subject to the application of any relevant clause in this bylaw.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**SCHEDULE 1: WATER SUPPLY CATCHMENTS**

Maps showing the water supply catchments can be found on the DCC website: [www.dunedin.govt.nz/do-it-online/maps-and-photos/water-services-map-and-wws-work-in-progress](http://www.dunedin.govt.nz/do-it-online/maps-and-photos/water-services-map-and-wws-work-in-progress).

Water Supply Catchments and their classifications are as follows:

Catchment	Classification
<del>Deep Creek</del>	<del>Controlled</del>
Deep Stream	Controlled
Silverstream – Part A	<del>Controlled</del> Restricted
Silverstream – Part B	Restricted
Silverstream – Part C	Open
Port Chalmers – Cedar Farm Catchment	Restricted
Port Chalmers – Rossville Reservoir Catchment	Open

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**SCHEDULE 2: WATER SUPPLY AREAS**

Maps showing the urban and rural water supply areas can be found on the DCC website:  
[www.dunedin.govt.nz/do-it-online/maps-and-photos/water-services-map-and-wws-work-in-progress](http://www.dunedin.govt.nz/do-it-online/maps-and-photos/water-services-map-and-wws-work-in-progress).

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**SCHEDULE 3: INFRINGEMENT NOTICE**

**INFRINGEMENT NOTICE**

**Section 272 Local Government (Water Services) Act 2025**

**NOTICE NO:**

**ENFORCEMENT AUTHORITY:** Dunedin City Council

**TO:** [full name, full address, other identifying detail, if known, for example date of birth]

**Details of alleged infringement offence**

Provision of the Local Government (Water Services) Act 2025 and/or the Water Supply Bylaw 2026:

Description of offence:

Location:

Date:

Approximate Time:

**The fee for this infringement is [\$1000.00 / \$3000.00]**

**Time and place for payment of infringement fee**

The infringement fee is payable to the Dunedin City Council within 28 days after [date notice is delivered personally or served by post]

The infringement fee is payable to the Dunedin City Council at:

- <http://www.dunedin.govt.nz/do-it-online/pay-online>
- in person at The Dunedin City Council, Customer Service Centre, The Civic Centre, 50 The Octagon, Dunedin or the Mosgiel, South Dunedin, Port Chalmers, Blueskin or Waikouaiti Public Library Service Centres

If proceedings for the infringement offence described in this notice are commenced:

- a) it is a defence if you prove that the infringement fee has been paid to the Council using one of the methods above, before or within 28 days after the service of a reminder notice on you, but
- b) it is not a defence that the infringement fee has been paid other than as stated in a).

**Right to request a hearing**

You must write to the Council if you wish to do any of the following things:

- (a) raise a matter concerning the circumstances of the alleged offence for consideration by the Council; or
- (b) deny liability for the alleged offence and request a court hearing; or
- (c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise.

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In your letter, you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the Council will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the Council will then, if it decides to commence court proceedings in respect of the offence, file your letter with the court. You are not entitled to make oral submissions to the court.

If the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

**Next steps**

If you do not request a hearing and you do not pay the infringement fee or the amount of the infringement fee remaining unpaid within 28 days after the service of this notice, you will become liable to pay a fine and court costs.

Contact details:

Dunedin City Council

50 The Octagon

Dunedin

Phone: 03 477 4000

Email: [dcc@dcc.govt.nz](mailto:dcc@dcc.govt.nz)

Date:

Signature:

(Enforcement Officer)

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**SCHEDULE 4: INFRINGEMENT NOTICE REMINDER**

**Reminder Notice No:**

**Informant:**

**Name:**

**Address:**

**Details of person to whom infringement notice issued**

Full name: *[first name(s), family name]*

Full address:

Date of birth:

Gender:

Occupation:

Telephone number(s):

**Details of alleged infringement offence**

The informant shown above alleges that you committed an infringement offence:

On: *[date and time of offence]*

At: *[place]*

In that you: *[specify details of offence]*

The offence is one against *[specify enactment and provision contravened]*.

Name or number, if any, of officer who issued notice: *[specify]*

**Service details**

*(To be provided for filing in court.)*

Infringement notice served by personal service/by prepaid post/electronically (if permitted)\* on:

*[date]*

Reminder notice served by personal service/by prepaid post/electronically (if permitted)\* on: *[date]*

At: *[address]*

\*Select one.

**Infringement fee**

The infringement fee for this offence is: *[\$[amount]*

Amount of infringement fee unpaid: *[\$[amount]*

Other fees *[specify (if any)]*: *[\$[amount]*

**Total payable: *[\$[amount]***

Other penalties *[specify (if any)]*:

**Procedure for payment of infringement fee**

*[Specify method(s) of payment.]*

You must pay the infringement fee within 28 days after the service of this notice. The last day for payment is *[date]*.

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**Information**

If you wish to deny the alleged offence or wish to have a court consider submissions, follow the directions in paragraph 4 of the notes below.

If, under [section 21\(3A\) or \(3C\)\(a\)](#) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with the informant in respect of an infringement fee payable by you, paragraphs 4(b) and (c) below do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions in respect of the infringement.

Please read the notes below. If there is anything you do not understand in the notes, you should consult a lawyer.

**Notes to defendant**

**Payment**

1 If you pay the infringement fee or the amount of the infringement fee remaining unpaid within 28 days after the service of this notice, no further enforcement action will be taken against you.

**Defences**

2 You will have a complete defence against proceedings relating to the alleged offence if you can show the infringement fee or the amount of the infringement fee remaining unpaid has been paid to the informant and received at the address shown on the front page of this notice within 28 days after the service of this notice.

3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

**Further action**

4 You must write to the informant if you wish to do any of the following things:

(a) raise a matter concerning the circumstances of the alleged offence for consideration by the informant; or

(b) deny liability for the alleged offence and request a court hearing; or

(c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise.

In your letter, you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the informant will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the informant will then, if it decides to commence court proceedings in respect of the offence, file your letter with the court. You are not entitled to make oral submissions to the court.

If the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

**Next steps**

If you do not request a hearing and you do not pay the infringement fee or the amount of the infringement fee remaining unpaid within 28 days after the service of this notice, you will become liable to pay a fine and court costs.

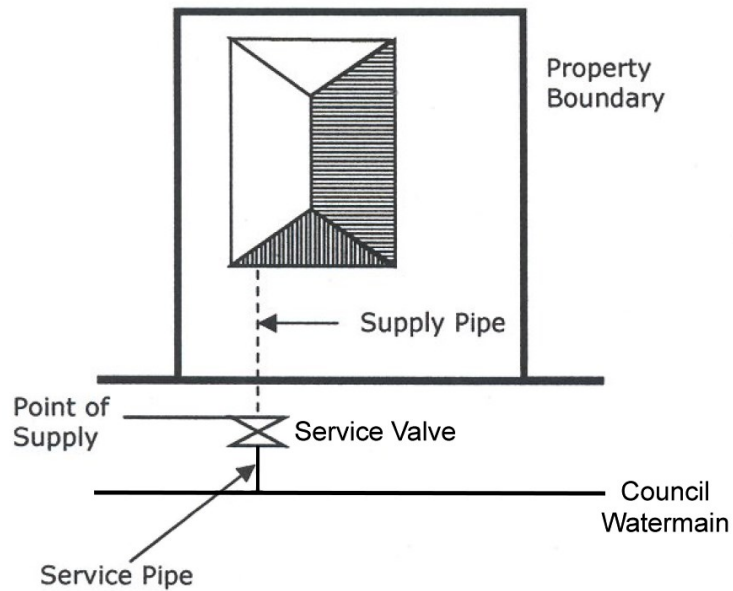
PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**Note:** All payments, queries, and correspondence regarding this reminder notice must be directed to the informant at the address shown on the front of this notice. When writing, please include the date of the alleged infringement offence, the reminder notice number, and your address for replies.

PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

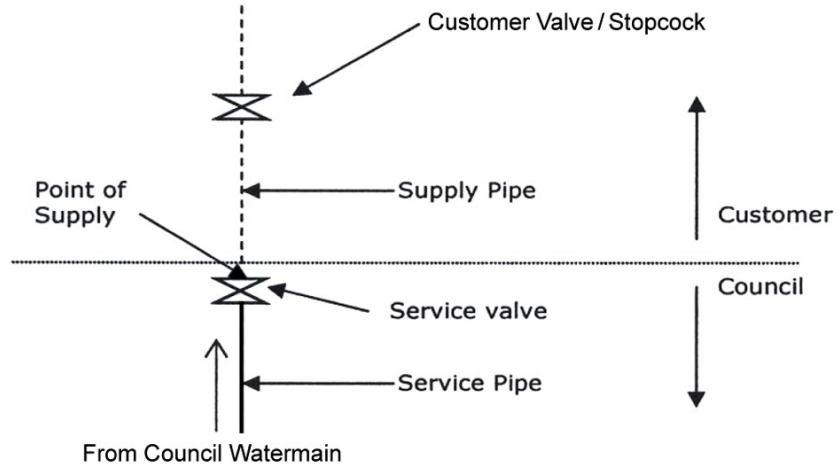
**APPENDIX 1: POINT OF SUPPLY EXAMPLE DIAGRAMS**

**Example 1:** Point of supply layout and location for single property with street frontage – ordinary supply



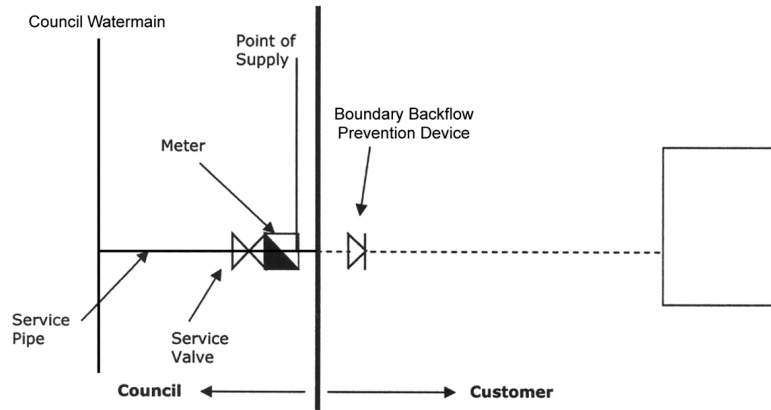
PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**Example 2:** Typical point of supply layout – ordinary supply



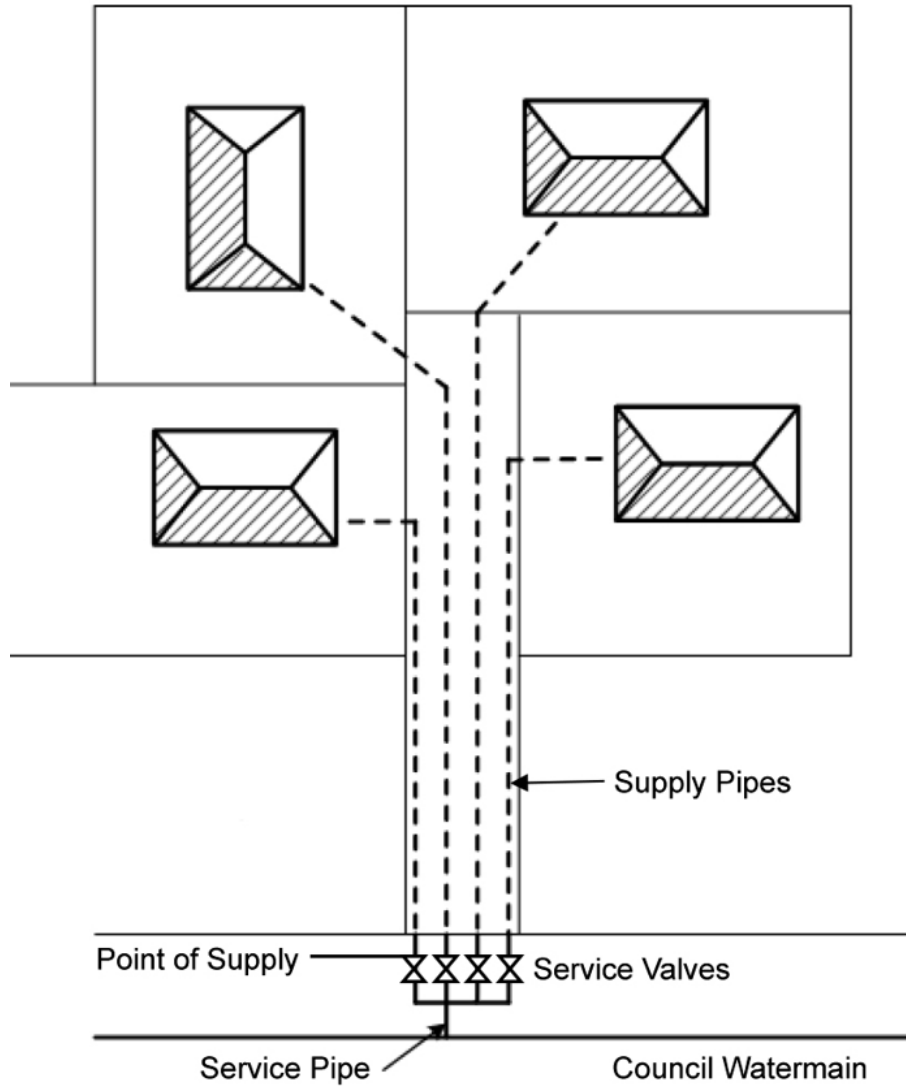
PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**Example 3:** Typical point of supply layout – extraordinary supply with testable boundary backflow prevention device



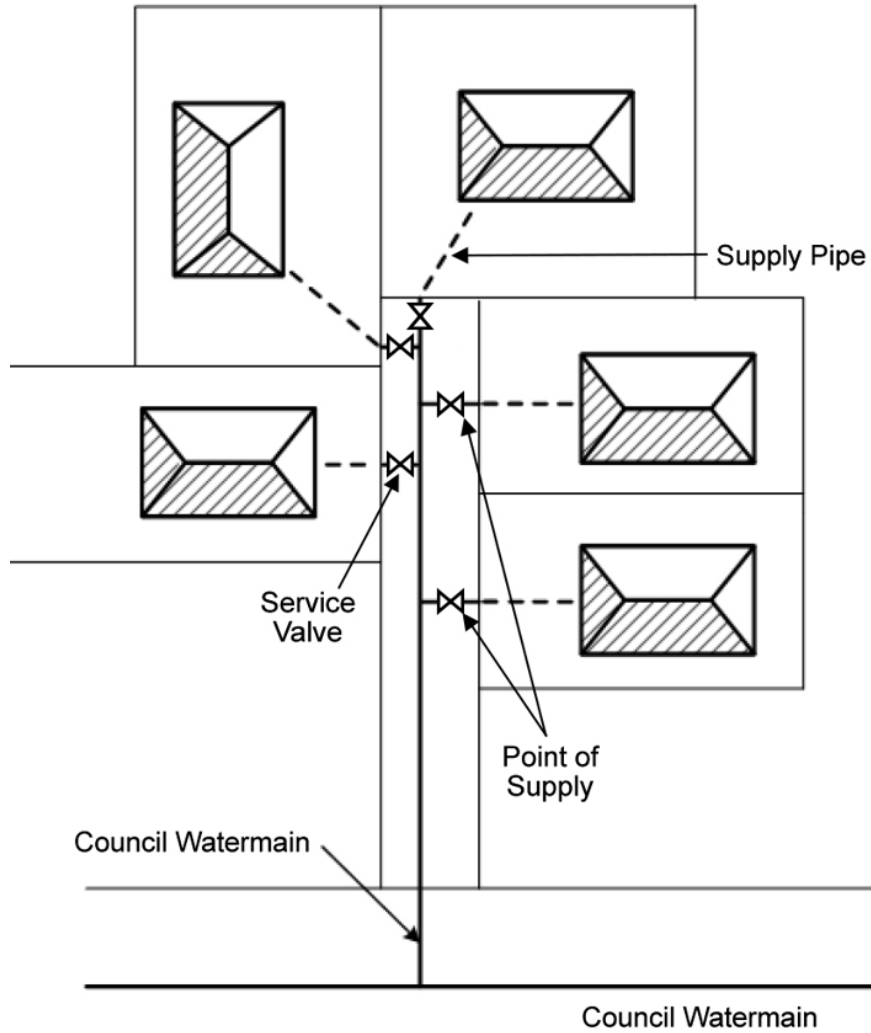
PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**Example 4:** Point of supply location – 2 to 4 customers on a private right of way; 5+ customers on a private right of way without a Council watermain in the right of way



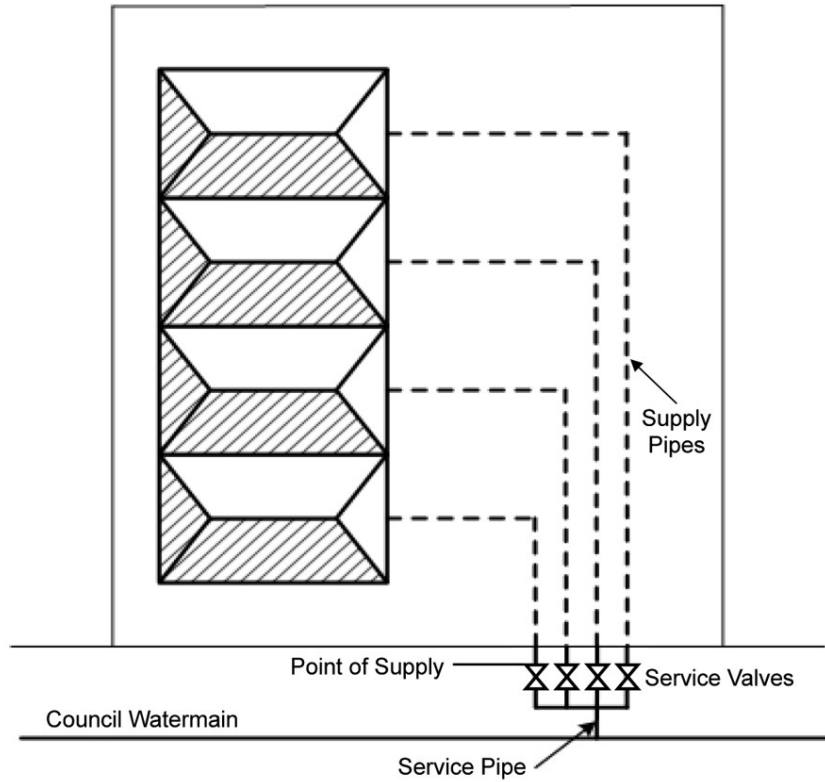
PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**Example 5:** Point of supply location – private right of way with 5+ customers and a Council watermain in the private right of way



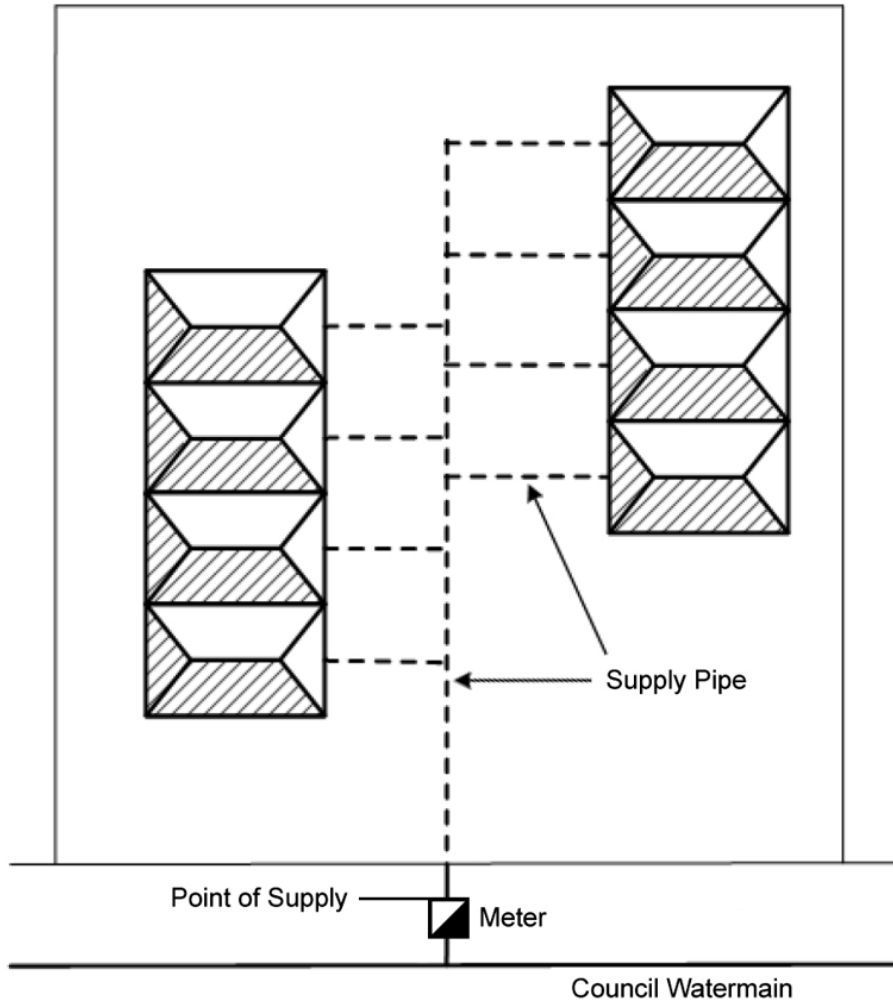
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**Example 6:** Point of supply location – multiple ownership/body corporate



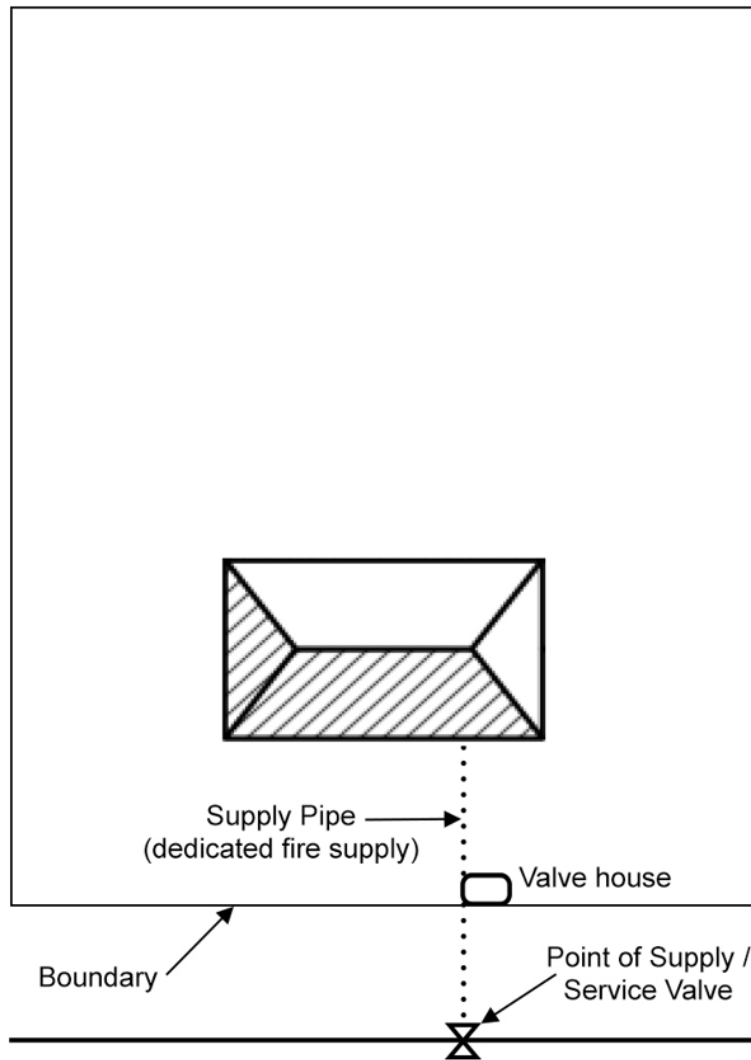
PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION

**Example 7:** Point of supply location – multiple ownership/body corporate



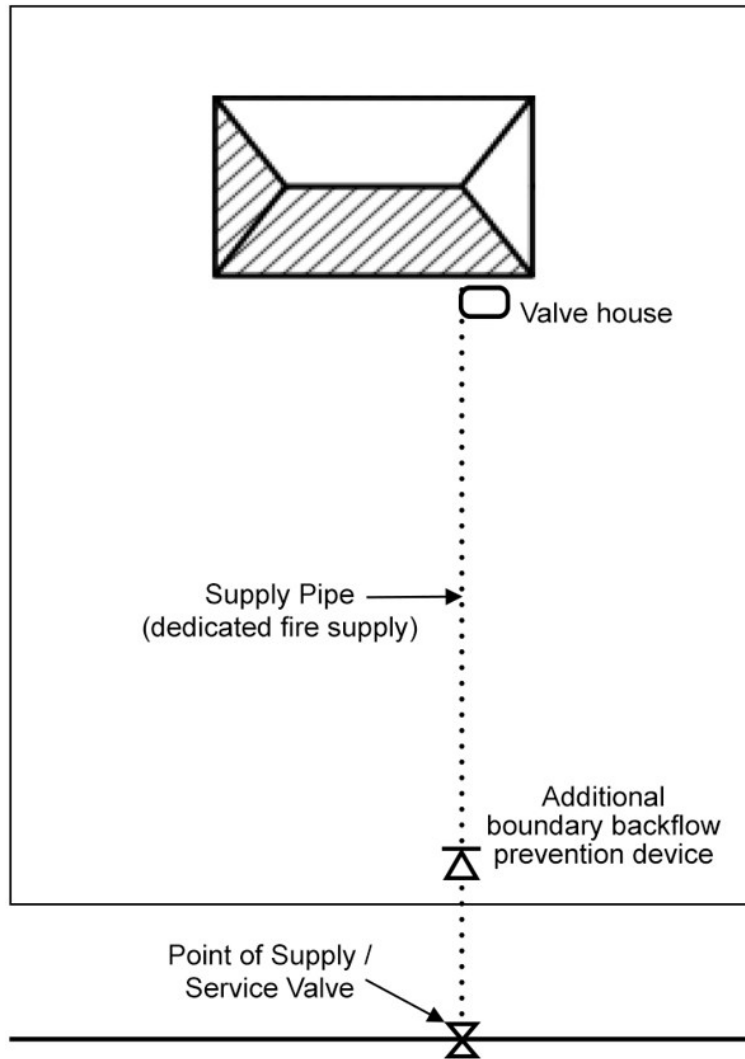
PROPOSAL FOR HEARINGS COMMITTEE CONSIDERATION


**EXAMPLE 8** – Point of supply location for dedicated fire supply with valve house (and boundary backflow prevention device) at boundary



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**EXAMPLE 9** – Point of supply location for dedicated fire supply with additional boundary backflow prevention device (valve house located away from boundary)



<b>BOUNDARY BACKFLOW PREVENTION POLICY</b>			
<b>Approved by:</b>	Executive Leadership Team		
<b>Sponsor:</b>	Jared Oliver, Planning Manager, 3 Waters		
<b>Department responsible:</b>	3 Waters		
<b>Date approved:</b>	24 March 2026	<b>Reviewed:</b>	
<b>Next review date:</b>	24 March 2031	<b>DOC ID:</b>	

#### PURPOSE

The Boundary Backflow Prevention Policy sets out the measures the Council will take to prevent backflow into the Council's water supply network and protect the safety of the drinking water.

This policy will guide and support the Council's implementation of a comprehensive Boundary Backflow Prevention Programme that includes:

- Implementation of the boundary backflow prevention rules in the Water Supply Bylaw 2026
- Implementation of other measures to ensure the Council fulfils its duties and obligations in relation to boundary backflow prevention under the Water Services Act 2021 and associated Drinking Water Quality Assurance Rules.

#### CONTEXT

Backflow is the unplanned reverse flow of water or mixtures of water and contaminants into the Dunedin City Council (Council) water supply network. Backflow can happen where there is a differential between the pressure of the Council's water supply network and the customer's plumbing system. Backflow poses a public health risk to the community served by the public drinking water supply network through the introduction of contaminants into the network.

The Water Services Act 2021 establishes a framework of high-level functions and duties for drinking water suppliers. As a drinking water supplier, Council has responsibilities to ensure drinking water supplied is safe, complies with the Water Services (Drinking Water Standards for New Zealand) Regulation 2022 and that the supply arrangements protect against the risk of backflow. The Drinking Water Quality Assurance Rules are compliance rules made under the Water Services Act 2021 to provide detail about how the Council's responsibilities can be performed or satisfied.

The Drinking Water Quality Assurance Rules require Council to: have a boundary backflow prevention programme; undertake network surveys to identify properties that pose a medium or high backflow risk; ensure adequate backflow prevention is provided on every supply connection and, if required, tested annually; ensure that Council maintains a register of backflow prevention devices and testing results; and that access to the water network via standpipes is restricted to appropriate organisations. This policy, along with the Water Supply Bylaw 2026, contributes to Council complying with these rules.

This policy, and implementation of it through the Council’s Boundary Backflow Prevention Programme, assists in addressing deficiencies identified in the DCC Water Services Delivery Plan 2025 to ensure DCC can achieve full compliance with the Water Services Act 2021 and Drinking Water Quality Assurance Rules.

This policy assists with the implementation of the boundary backflow prevention rules for customers in the Water Services Bylaw 2026.

**SCOPE**

This policy is relevant to any person being supplied with, or using water from, the Council’s water supply network, or who has made an application to the Council to be supplied with water.

This policy sets out the approach the Council will take to ensure backflow is prevented from entering the Council’s water supply network at the point of supply, which is usually located at the property boundary.

This policy addresses Council’s approach to: the ownership of boundary backflow prevention devices and air gaps; customer and Council responsibilities; the determination of boundary backflow hazard risk categories; boundary backflow prevention device installations; boundary backflow prevention for dedicated fire supply; testing requirements; surveys; approach to non-compliance; and exemptions.

This policy does not address internal backflow prevention within buildings or structures, or otherwise on a customer’s property. Such matters are the responsibility of property owners under the New Zealand Building Code and Building Act 2004. The protection requirements for internal backflow risks are administered through Council’s Building Control Authority as part of building consent and compliance processes.

The Council may consider this policy when assessing applications for new water supply connections, when it receives an application for resource/planning consent, building consent or change in use, or during replacement/upgrade of a water supply connection.

The Council will also consider this policy at any time when surveying or assessing boundary backflow risks to the Council water supply network or investigating any concerns with boundary backflow risks.

**DEFINITIONS**

In this policy (and aligned with the definitions in the Bylaw), unless the context otherwise requires:

AIR GAP	Means a minimum vertical air gap as defined by the Building Code G12 Water Supplies between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.
APPROVAL OR APPROVED	Means approval or approved in writing by the Council.
BACKFLOW	Means the unplanned reversal of flow of water or mixtures of water and contaminants into the public water supply network.

BOUNDARY BACKFLOW PREVENTION DEVICE	Means a device that prevents backflow and is installed at or near the point of supply to prevent backflow occurring into the public water supply network.
BYLAW	Water Supply Bylaw 2026.
COUNCIL	Means the Dunedin City Council inclusive of its officers and/or agents.
CUSTOMER	Means a person who uses or has the right to use or direct the manner of use of water supplied by the Council to any property.  (EXPLANATORY NOTE: The customer is normally the owner and/or ratepayer of the property.)
DEDICATED FIRE SUPPLY	Means a category of on-demand supply used solely for the operation of an automatic fire suppression system (e.g. sprinklers) as opposed to other purposes such as drinking water and water for sanitation.
DRINKING WATER QUALITY ASSURANCE RULES	Means the Drinking Water Quality Assurance Rules 2022 (revised 2024) and any subsequent revisions.
EXTRAORDINARY SUPPLY	Means a category of on-demand supply of metered water for extraordinary use that may be subject to specific conditions and limitations and includes:  (a) Properties situated within a water supply area that do not meet the definition of an ordinary supply (i.e. because the water use at the property is an 'extraordinary use'); or  (b) Properties where a connection has been installed or located outside a water supply area prior to 1 April 2011 and that has subsequently been approved by the Council.
EXTRAORDINARY USE	Means the use of water for the following purposes other than ordinary use and includes, but is not limited to:  (a) Commercial and business use (b) Industrial use (c) Horticultural use (d) Viticultural use (e) Agricultural use (f) Use at a property zoned Rural or Rural Residential (g) Use at an educational facility (e.g. schools, early-childhood centres, tertiary education institutions) (h) Use at any property that is over 1ha in size that is zoned Large Lot Residential, Low Density Residential or Township and Settlement (i) Use at any property where livestock (excluding poultry) is kept (j) Fire protection systems other than sprinkler systems installed to comply with NZS4517 which have prior approval of the Council (k) Temporary supply

	<ul style="list-style-type: none"> <li>(l) Use at any property with: <ul style="list-style-type: none"> <li>(i) A spa in excess of 10m<sup>3</sup> capacity</li> <li>(ii) A swimming pool in excess of 10m<sup>3</sup> capacity</li> <li>(iii) A fixed garden irrigation system</li> <li>(iv) A water service pipe with a diameter greater than 25mm</li> <li>(v) Any other nominated use as provided by a decision under the Bylaw.</li> </ul> </li> <li>(m) Use of water at a property outside the water supply area boundary</li> <li>(n) Excessive water use.</li> </ul>
FEES AND CHARGES	Means the list of items, terms and prices for services associated with the supply of water as adopted by the Council in accordance with the Act and the LGA.
LGA	Means the Local Government Act 2002 (and any amendments).
NOTICE	Means written notice.
OWNER	Means the person owning the property to which water is supplied.
ORDINARY SUPPLY	Means a category of on-demand supply to a property within a water supply area used solely for ordinary use.
ORDINARY USE	<p>Means the use of water solely for domestic purposes in a dwelling (which may include use for accommodation rental activities in a residential unit, ancillary unit or a detached minor residential unit, e.g. Airbnb). This includes the use of a hose for:</p> <ul style="list-style-type: none"> <li>(a) Washing down a car, or other domestic vehicle, boat, house, windows or the like</li> <li>(b) Filling a spa or swimming pool with a capacity of up to and including 10m<sup>3</sup></li> <li>(c) Garden watering by hand</li> <li>(d) Garden watering by a portable sprinkler</li> <li>(e) Water blasting</li> </ul> <p>A property that uses water solely for domestic purposes in a dwelling and meets the definition of extraordinary use will be managed as an extraordinary supply.</p>
PERSON	Means a natural person, and includes a corporation sole, a body corporate and an unincorporated body.
POINT OF SUPPLY	Means the point on the service pipe that marks the boundary of responsibility between the customer and the Council, irrespective of a property boundary, as determined in the Bylaw.
PROPERTY	Means the land and buildings to which water is supplied.
TERMS AND CONDITIONS	Means those clauses outlined in the Bylaw or this policy that apply to the supply of water by the Council.

<p><b>WATER SUPPLY NETWORK</b></p>	<p>Has the same meaning as in section 4 of the Act, namely, the infrastructure and processes that are –</p> <ul style="list-style-type: none"> <li>(a) used to provide a water supply service; and</li> <li>(b) owned by, or operated by, for, or on behalf of, the Council.</li> </ul> <p>In relation to the Council’s water supply network, this includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, raw water pipelines, treatment plants, treated water reservoirs, trunk mains, service mains, watermains, rider mains, pump stations and pumps, valves, hydrants, service pipes, boundary assemblies, meters, manifolds, service valves, Council-owned boundary backflow preventers and tobies.</p>
<p><b>WORKING DAY</b></p>	<p>Means any day of the week, other than:</p> <ul style="list-style-type: none"> <li>(a) A Saturday, a Sunday, Waitangi Day, Otago Anniversary Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s Birthday, Matariki Observance Day, Labour Day; and</li> <li>(b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.</li> </ul>

Part 2 of the Legislation Act 2019 applies to the interpretation of this policy.

## POLICY

### 1. Ownership

- 1.1. Council will own those boundary backflow prevention devices (typically non-testable dual check valve devices) installed on the Council side of the point of supply.
- 1.2. Boundary backflow prevention devices, or air gaps used for the purpose of boundary backflow prevention, installed on the customer's side of the point of supply will be owned by the customer. Boundary backflow prevention devices installed on the customer's side of the point of supply are typically testable devices (e.g. double check valve and reduced pressure zone devices).

### 2. Customer responsibilities

- 2.1. Customers must comply with all the requirements relating to boundary backflow prevention in the Bylaw.
- 2.2. In accordance with the terms and conditions of supply set out in the Bylaw, it is the customer's responsibility to take all necessary measures to prevent backflow into Council's water supply network, either by providing an appropriate backflow prevention device or air gap for the purpose of boundary backflow prevention, and by ensuring the device or air gap is operating effectively at all times.
- 2.3. For applications for new water supply connections or changes to an existing connection, the property owner / prospective customer should identify the potential boundary backflow risk hazard category and proposed boundary backflow prevention device or air gap for their activity in accordance with the hazard risk categories set out in this policy (Appendix 1). The boundary backflow prevention requirements for new or modified connections to the water supply network will be assessed during the resource/planning consent, building consent or water supply connection application processes. Council will make the decision on what hazard risk category and boundary backflow prevention device or air gap for the purpose of boundary backflow prevention is appropriate and acceptable to Council and notify the customer.
- 2.4. The installation of customer-owned boundary backflow prevention devices is organised and funded by the customer. The customer is responsible for the payment of all fees and costs associated with approvals, consents, installation, maintenance, testing or removal of devices as may be required/allowed in the Bylaw.
- 2.5. Council reserves the right to charge a fee to the customer for any additional time, consumables or materials used to make a boundary backflow prevention device accessible, and/or to require the customer to relocate the device, or install a replacement device, in a location that is accessible.
- 2.6. The owner of a property is normally the customer. If a property is tenanted, the property owner:
  - a) is legally responsible for ensuring the protection of the Council water supply network against backflow from the property, regardless of existing tenancy agreements. The property owner and tenant must not interfere with any backflow prevention device fitted at their property. This includes raising the ground levels around the device that could compromise minimum clearances or access to test the device or using the test ports as a bypass or temporary water supply.

- b) must make their own arrangement with the tenant as to costs and maintenance of the boundary backflow prevention device if they intend to recover costs from the tenant.

### **3. Council responsibilities**

3.1. Council is responsible for ensuring the water supply network owned and operated by Council is protected against backflow. Council will do this through the implementation of the Boundary Backflow Prevention Programme.

3.2. As part of Council's Boundary Backflow Prevention Programme, Council will:

- a) keep a register of all testable boundary backflow prevention devices and annual testing results as required by the Water Services Act 2021 and the Drinking Water Quality Assurance Rules. The register shall include details of device location, device type, boundary backflow hazard risk category and the results of annual testing.
- b) Keep a register of all air gaps used for the purpose of boundary backflow prevention and annual verification results as required by the Water Services Act 2021 and the Drinking Water Quality Assurance Rules. The register shall include details of air gap location, boundary backflow hazard risk category and the results of annual air gap verification.
- c) For each connection to the water supply network, either maintain the Council-owned boundary backflow prevention device or require the customer to install and maintain an appropriate boundary backflow prevention device or air gap for the purpose of boundary backflow prevention to prevent any potential contamination of the water supply network from backflow.
- d) Establish a sampling programme to remove Council-owned boundary backflow prevention devices and subject them to a reversed flow test to assess their effectiveness in relation to their age. The results will be analysed to determine the average age of failure so that appropriate replacement intervals for these devices can be incorporated into the Council's asset management programmes.
- e) Establish an asset management, maintenance, replacement and testing programme for non-testable dual check valve devices and tobies, specifying the time frame for non-testable dual check valve installation (if not already documented) and their regular replacement.
- f) Establish a proactive programme to determine medium and high-risk sites by identifying new properties, changes of use within existing properties, or properties with inadequate boundary backflow prevention arrangement in place, including through survey/inspection of properties where water supply is not used for ordinary use. The programme shall ensure full coverage of the water supply network at least once every five years.
- g) Ensuring all testable boundary backflow prevention devices are tested at least annually, and that air gaps used for the purposes of boundary backflow prevention are verified at least annually.

### **4. Boundary Backflow Hazard Risk Category**

4.1. Council will assess boundary backflow hazard risks at each property with a Council water supply (and at every property subject to an application for a Council water supply) in accordance with Appendix 1, to determine the hazard risk category for each connection to

the water supply network. The appropriate backflow prevention device or air gap used for the purpose of boundary backflow prevention to be installed will be determined by Council based on the hazard risk category.

- 4.2. If the hazard risk category is unclear or unknown, due to insufficient information being provided by the customer/applicant or definitive information not being known about the intended use of the property, then the determination of the hazard risk category for that supply connection shall default to 'high' to ensure adequate boundary backflow prevention is provided regardless of the current risks or potential future uses of the property.
- 4.3. In line with the recommended approach in the Water New Zealand Boundary Backflow Prevention for Water Supplies Code of Practice 2019, this policy uses four boundary backflow hazard risk categories:

<b>Boundary Backflow Hazard Risk Category</b>	<b>Boundary Backflow Hazard Risk Description</b>
<b>High</b>	Any condition, device or practice which, in connection with the water supply network, has the potential to cause death.
<b>Medium</b>	Any condition, device or practice which, in connection with the water supply network, has the potential to injure or endanger health.
<b>Low</b>	Any condition, device or practice which, in connection with the water supply network, would constitute a nuisance, by colour, odour or taste, but not injure or endanger health.
<b>Very Low</b>	Household units (i.e. residences) with ordinary use of water.

#### **5. Boundary backflow prevention device installations**

- 5.1. Council, through this policy and the Bylaw, will be responsible for approving the type, location, and installation requirements for all customer-owned boundary backflow prevention devices.
- 5.2. In conjunction with device location and installation specification requirements of the Bylaw, the Council may consider the following when determining installation requirements for a customer-owned boundary backflow prevention device:
  - a) the type of boundary backflow prevention device to be installed based on the hazard risk category;
  - b) the nature of the hazard(s) and the likelihood of future change(s) of use at the property;
  - c) the size of the device needed to meet anticipated flow rates and/or expected head losses through the device; and
  - d) drainage requirements including size of drains.

- 5.3. Installation of a device should comply with the manufacturer's recommendations and *AS/NZS 2845.1:2022 Water Supply - Backflow prevention devices Part 1: Materials, design and performance requirements* (or the current version at the time of installation), or any other standard the Council considers is relevant.
- 5.4. It is recommended that reduced pressure zone backflow prevention devices be installed in a fenced or caged area with a concrete base, that allows Council access for testing. The boundary backflow prevention device should not be in a locked cage or behind locked gates.
- 5.5. Where a boundary backflow prevention device is required by Council, this must be installed prior to connection to the water supply network.
- 5.6. To comply with the requirements of the Bylaw for new boundary backflow prevention devices to be registered with Council, the customer is responsible for ensuring that their Approved Water Service Connection Installer (AWSCI) provides Council with 'as built' plans and required information within 10 working days of installation of a boundary backflow prevention device so that it can be added to Council's register.

#### **6. Requirements for dedicated fire supply**

- 6.1. Boundary backflow prevention devices on a dedicated fire supply are installed under a building consent obtained by the building owner. The device is included on the building's compliance schedule and tested as part of the annual building warrant of fitness arranged by the customer. As required by the Bylaw, the customer must provide the annual test results for the boundary backflow prevention device installed on a dedicated fire supply to the Council's 3 Waters Group within 10 working days of the test being undertaken, in addition to providing the results to the Building Services team for the building warrant of fitness.

#### **7. Testing of devices**

- 7.1. All testable boundary backflow prevention devices shall be tested at least annually, as required by the Drinking Water Quality Assurance Rules. Testing shall be carried out more frequently under special circumstances where reasonably required by Council, including as soon as practical after device installation (as required in the Bylaw), after a suspected backflow incident, and after any maintenance work carried out on the device.
- 7.2. All air gaps used for the purpose of boundary backflow prevention shall be inspected and verified annually.
- 7.3. The testing shall be undertaken only by an Independently Qualified Person (IQP) approved for backflow prevention device testing (SS7) by the South Island IQP Panel. The inspection and verification of registered air gaps is to be done by an IQP or by a suitably qualified and experienced person approved by Council to do so. All testing must be carried out as per relevant backflow testing standards.
- 7.4. Although Council generally undertakes testing of customer-owned boundary backflow prevention devices as part of the Boundary Backflow Prevention Programme, the Council may, in specific circumstances, allow a customer to arrange their own testing of boundary backflow prevention devices. Where Council agrees to a customer arranging their own testing, the customer must enter into an agreement with Council that outlines the conditions of the Council approval, including (but not limited to) requirements relating to:
  - a) use of accredited backflow testing personnel;

- b) use of certified backflow test kits in accordance with the Code of Practice for Boundary Backflow Prevention for Drinking Water Supplies 2019 (or subsequent versions);
- c) provision of test certificates, containing the test results and boundary backflow prevention device serial number, to Council within five working days of the date of the test or the period specified in the agreement.

7.5. Where a customer is arranging their own testing, the Council may:

- a) Remind the customer when testing is due and the date for return of test results to Council. If test results are not received by the specified date, Council will contact the customer and arrange for testing to be done by Council within 10 days where practical.
- b) Arrange for testing to be undertaken by Council and bill the customer for all costs if customer testing is not undertaken and/or results are not provided to Council within the specified/agreed timeframes.
- c) Audit test results, including field audit, to ensure quality is maintained.

7.6. Where a device fails a test, the backflow tester should attempt to repair the device while on site and retest following completion of the repair. Where it is not possible to repair the device on site, an equivalent substitute device shall be installed, and the existing one removed to be fixed (and then re-tested after reinstallation). The failed test report shall be provided to Council along with the subsequent pass test report and relevant registration information (e.g. serial number) for any newly installed device.

7.7. Council does not carry out testing of backflow prevention devices installed on a dedicated fire supply. As per the Bylaw, test results for backflow prevention devices on a dedicated fire supply are to be provided to Council's 3 Waters Group, in addition to provision of these to Council's Building Services team as part of the building compliance requirements.

## **8. Surveys**

- 8.1. Council will carry out a boundary backflow risk survey programme to identify properties posing medium and high hazard risks of backflow at a frequency of no less than 5-yearly to assess the adequacy of boundary backflow prevention measures across the distribution network, as required by the Drinking Water Quality Assurance Rules. The survey will involve a combination of desktop assessments and targeted physical site surveys as deemed appropriate by the Council.
- 8.2. Typically, the Council survey programme will be based on determining the highest hazard risk present at a property and determining the corresponding hazard risk category and appropriate boundary backflow prevention device or air gap required for the purpose of boundary backflow prevention.
- 8.3. The hazard risk category methodology (Appendix 1) will be used for the risk assessments undertaken as part of the surveys.
- 8.4. Existing extraordinary supply connections without adequate backflow prevention in place (as determined by Council) will require installation/upgrade of an appropriate boundary backflow device or adequate air gap for the purpose of boundary backflow prevention, as per the Bylaw. The required upgrades will be prioritised according to potential risk posed to the water supply network and drinking water safety. Council will notify the customer of any deficiencies identified, and the customer will be required to install appropriate backflow

prevention at their expense within timeframes specified in the notice of installation requirement, and as provided for in the Bylaw.

**9. Approach to non-compliance with boundary backflow prevention requirements**

9.1. The Bylaw establishes customer requirements for boundary backflow prevention and provides mechanisms for Council to enforce compliance. Depending on the scale and nature of the hazards and the risk created from a breach of the boundary backflow prevention requirements in the Bylaw, Council will take one or more of the following enforcement approaches, as appropriate:

- a) Education
- b) Infringement notice
- c) Installation of a boundary backflow prevention device and recovery of costs from the customer
- d) Restriction of the customer's water supply
- e) Prosecution.

9.2. Instances where Council would look to intervene include, but are not limited to:

- a) Unprotected, direct or indirect connection(s) between a contaminant source and the Council water supply network
- b) Removal or bypassing of a boundary backflow prevention device or air gap used for the purpose of boundary backflow prevention
- c) Any other situation where Council assess that the safety of the water supply network is (or is likely to be) compromised by the ingress of a contaminant from a customer's property or activities.

9.3. Backflow contamination incidents will be managed and addressed in accordance with Council's Drinking Water Safety Plans.

9.4. Notwithstanding any legal action that may result from a backflow incident, the cost of rectifying contamination of the water supply network shall be the responsibility of those allowing the backflow to occur.

**10. Exemptions**

10.1. Where a customer disputes the boundary backflow hazard risk category determined by Council and/or requirements for boundary backflow prevention, they may apply to the Council for an exemption in writing along with all appropriate evidence included to support the application. The Council may require the customer to provide a 'risk assessment report' prepared by a suitably qualified and experienced person with experience in drinking water safety risk assessment to demonstrate that the hazard risk category or boundary backflow prevention requirements determined by the Council are inappropriate.

10.2. If any person is dissatisfied with any boundary backflow prevention-related decision made by the Council or a compliance officer under the Bylaw, the process for review in the Bylaw ('Review of decision') will apply.

**QUALITY ASSURANCE, MONITORING AND EVALUATION**

Council will implement the following measures to ensure effective delivery of this policy:

- Monitoring and Reporting: Council self-monitors compliance with the backflow protection rules in the Drinking Water Quality Assurance Rules and reports annually on this to the Water Services Authority - Taumata Arowai. Full compliance with the backflow protection rules indicates effective implementation of this policy.

The Head of 3 Waters has responsibility for overseeing implementation of this policy.

This policy should be reviewed at least every five years, or sooner in response to any legislative or regulatory changes to boundary backflow prevention requirements for drinking water suppliers or substantive changes to industry best practice guidelines.

<b>Relevant Legislation:</b>	Water Services Act 2021 Local Government Act 2002 Drinking Water Quality Assurance Rules
<b>Associated Documents:</b>	Boundary Backflow Prevention for Drinking Water Supplies Code of Practice 2019 – Water New Zealand DCC Drinking Water Safety Plans Water Supply Bylaw 2026

Appendix 1 – Backflow Hazard Risk Categories

**Appendix 1**

**Backflow Hazard Risk Categories**

*High*

Hazard risk description	Acceptable boundary backflow prevention devices
<p><b>High:</b></p> <p>Any property, condition, device or practice which, in connection with the potable water supply network, has the potential to cause death.</p>	<ul style="list-style-type: none"> <li>• Reduced pressure zone device</li> <li>• Reduced pressure zone detector for fire systems</li> <li>• Registered air gap</li> </ul>
<p><b>High hazard risk may include but is not necessarily limited to:</b></p> <p><b>Property:</b></p> <ul style="list-style-type: none"> <li>• Abattoirs</li> <li>• Vehicle and plant washing facilities (where chemicals are added)</li> <li>• Chemical laboratories</li> <li>• Chemical plants</li> <li>• Commercial and industrial premises using, processing or manufacturing toxic chemicals</li> <li>• Medical facilities, including hospitals, pharmacies, medical centres, dental surgeries</li> <li>• Laboratories</li> <li>• Mortuaries</li> <li>• Veterinary clinics</li> <li>• Petroleum processing plants, storage plants and service stations</li> <li>• Piers, docks, marinas and other waterfront facilities</li> <li>• Premises containing soil waste dump points, including stock truck effluent disposal sites and caravan parks</li> <li>• Sewage treatment plants and sewage lift stations</li> <li>• Tertiary and secondary education facilities with laboratories</li> <li>• Water filling stations</li> <li>• Farms, agriculture, horticulture and commercial gardens (with irrigation systems with chemicals added)</li> </ul> <p><b>Conditions, devices or practices:</b></p> <ul style="list-style-type: none"> <li>• Autoclaves and sterilisers</li> </ul>	

Appendix 1 – Backflow Hazard Risk Categories

- Systems containing chemicals such as anti-freeze, anti-corrosion, biocides, or fungicides
- Boiler, chiller and cooling tower make-up and recycled water
- Chemical dispensers or chemical injectors
- Chlorinators
- Dental equipment
- Fire sprinkler systems and fire hydrant systems that use toxic or hazardous water or chemicals added
- Hose taps associated with high hazard situations like mixing of pesticides and soil waste dump points
- Irrigation systems with chemicals, including, but not limited to, below ground or pop-up system if chemicals are added to water or applied to ground, or in commercial settings such as golf courses even without chemicals where water may sit on the ground
- Pest control equipment
- Photography and X-ray machines
- Piers and docks
- Sewage pumps and sump ejectors
- Sluice sinks and bed pan washers
- Agriculture, including, but not limited to, livestock water supply with added chemicals, chemigation (i.e. antibiotic injectors and bloat control), farm irrigation with fertigation system, cow shed washdown
- Veterinary equipment
- Bidets and douche seats
- Handheld bidet hoses and water closet trigger sprays
- Water connections for portable and mobile tankers
- Water connections for mobile dental clinics and/or home birthing pools
- Healthcare waste disposal equipment
- Air conditioning units, heat exchangers and other water-cooled equipment, if connected to the sewage system or treated with chemicals.
- Auxiliary sources with chemicals added, including, but not limited to, storage reservoir.

Appendix 1 – Backflow Hazard Risk Categories

**Medium**

Hazard risk description	Acceptable boundary backflow prevention devices (as determined by Council)
<p><b>Medium:</b></p> <p>Any property, condition, device or practice which, in connection with the potable water supply system, has the potential to injure or endanger health.</p>	<ul style="list-style-type: none"> <li>• Reduced pressure zone device</li> <li>• Double check valve device</li> <li>• Double check detector valve device for fire systems with no chemicals added</li> <li>• Registered air gap</li> </ul>
<p><b>Medium hazard risk may include but is not necessarily limited to:</b></p> <p><b>Property:</b></p> <ul style="list-style-type: none"> <li>• Caravan parks with no soil waste dump points</li> <li>• Food and beverage processing plants</li> <li>• Premises with fire-fighting water services</li> <li>• Premises with an alternative water supply</li> <li>• Public swimming pools (including at commercial venues such as camp grounds, motels, etc)</li> <li>• Commercial car washes, appliance/equipment or vehicle wash down (no chemicals added)</li> <li>• Horticultural or commercial gardens (where chemicals are not added irrigation systems)</li> <li>• Public toilets and/or urinals (connected to sewerage network)</li> </ul> <p><b>Conditions, devices or practices:</b></p> <ul style="list-style-type: none"> <li>• Auxiliary water supplies such as pumped and non-pumped fire sprinkler secondary water</li> <li>• Connections for appliances, vehicles or equipment</li> <li>• Water treatment systems</li> <li>• Deionised water, reverse osmosis units and equipment cooling without chemicals</li> <li>• Fire sprinkler systems and building hydrant systems</li> <li>• Hose taps and fire hose reels associated with medium hazard category</li> <li>• Irrigation without chemicals, including irrigation systems with underground controllers or pop-up system if chemicals are not added to water or applied to ground.</li> <li>• Livestock water supply without added chemicals</li> <li>• Milking sheds</li> <li>• Rainwater collection - untreated water storage tanks</li> <li>• Reticulated water systems - Water for steam cleaning, water for equipment cooling</li> <li>• Drink dispensers with carbonators</li> </ul>	

Appendix 1 – Backflow Hazard Risk Categories

- Swimming pools, spas and fountains, other than those filled by a hose tap in conjunction with a household unit
- Treated grey water
- Air handling unit humidifiers, air conditioning units, heat exchangers and other water cooled equipment, without chemicals
- Beauty salon and hairdresser’s sinks
- Auxiliary sources without chemicals added, including, but not limited to, storage reservoir
- Grease traps (where washdown areas and hose taps are close to grease trap)

**LOW**

Hazard risk description	Acceptable boundary backflow prevention devices
<p><b>Low</b></p> <p>Any property, condition, device or practice which, in connection with the potable water supply network, would constitute a nuisance, by colour, odour or taste, but not injure or endanger health.</p>	<ul style="list-style-type: none"> <li>• Double check valve</li> <li>• Registered air gap</li> </ul>
<p><b>Low hazard risk may include but is not necessarily limited to:</b></p> <p><b>Property:</b></p> <ul style="list-style-type: none"> <li>• Commercial premises (domestic sanitary fixtures only) not covered by medium and high category, with potential for change of use</li> <li>• Cafes, restaurants and other facilities used for the storage or preparation of food and beverages</li> </ul> <p><b>Conditions, devices or practices:</b></p> <ul style="list-style-type: none"> <li>• Drink dispensers (without carbonators)</li> <li>• Commercial and/or plumbed in coffee machines</li> <li>• Auto vegetable peelers</li> <li>• Commercial dishwashers</li> <li>• Drinking fountains and bottle fillers</li> <li>• Hose taps - other than those associated with medium or high hazard category, used for fixed domestic irrigation systems</li> </ul>	

Appendix 1 – Backflow Hazard Risk Categories

**VERY LOW**

Hazard description	Acceptable devices
<p><b>Very Low</b></p> <p>Household units that constitute a very low risk of contamination but could allow water to flow into the public water supply network in the event of depressurisation of the network.</p>	<ul style="list-style-type: none"> <li>• Non-testable dual check valve</li> <li>• Air gap</li> </ul>
<p><b>Very low hazard risk may include but is not necessarily limited to:</b></p> <p><b>Property:</b></p> <ul style="list-style-type: none"> <li>• Residential household units that contain standard domestic sanitary fixtures. Household units (i.e. residences) with ordinary use of water.</li> </ul>	

**Notes:**

*The examples of properties and condition, devices or practices listed above are not an exhaustive list. Where there is doubt, boundary backflow protection shall be selected to match the highest risk hazard identified within the property by making comparison to the hazard descriptions. This could be from either of the 'property' or 'conditions, devices, or practices' lists (i.e. does not have to occur on both) or as otherwise determined by Council.*

*Applicants applying for a new water connection or for a change to an existing connection should identify the potential risk hazard category and proposed boundary backflow prevention device or air gap in their application. Council will make the determination of category and acceptable device required and inform the customer.*

*Customers are welcome to install a higher level of boundary backflow prevention device than required by Council, e.g. a reduced pressure zone device can be installed at any property and is encouraged for use as the most effective method of boundary backflow prevention.*



Proposed Water Supply Bylaw 2026 Hearing Speaking Schedule as at 18 May 2026

<b>Time</b>	<b>Submitter</b>	<b>Submission number</b>
09:40	Sam Walton	1290216
9:50	Lydia Pattillo - 3 Peaks Mountain Race	1295659
10:00	Steve Tripp	1295658
10:10	Graeme Elliot - Green Hut Track Clearing Group	1296267
10:20	Michael Gibson	1295646
10:30	Rosie Olsen - Predator Free Dunedin	1295976
10:40	Florence Reynolds	1296269
	Break	
11:00	Kurt Bowen - Patersons Land Professionals	1295649
11:10	Darryl Sycamore - Terramark Limited	1294845