

Council Briefing Agenda

Date: Tuesday, 30 May, 2023

Time: 9:00 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

For any queries regarding this meeting please contact the Whangarei District Council on (09) 430-4200.

1. Apologies / Kore Tae Mai	
2. Reports / Ngā Ripoata	
2.1 Elected Members Code of Conduct - Review 2023	1
2.2 Bylaws Overview and 2023 Review Programme	39
2.3 Dog Management Policy and Bylaw	45
2.4 Trade Waste Bylaw	51
2.5 Water Supply Bylaw	53
3. Closure of Meeting / Te katinga o te Hui	

2.1 Elected Member Code of Conduct – 2023 Review

Meeting:	Council Briefing
Date of meeting:	30 May 2023
Reporting officer:	Aaron Taikato (General Manager – Strategy and Democracy) Emily Thompson (Manager - Democracy and Assurance) Rebecca Rowsell (Legal Counsel)

1 Purpose / Te Kaupapa

To brief elected members on proposed changes to the Elected Member Code of Conduct

2 Background / Horopaki

In December 2022 elected members were invited to review the current Elected Members Code of Conduct 2019 (the “Code”) and provide feedback and direction to staff on whether they wished to retain or amend the current Code.

The Local Government Act 2002 (LGA) requires all councils to have a current Code of Conduct. Once adopted, the Code remains in force until it is amended by Council.

The Code of Conduct can be amended or replaced at any time but cannot be revoked unless Council replaces it with another Code of Conduct. Any amendments to the Code of Conduct require a resolution supported by 75% of the elected members present at the Council meeting at which the amendment(s) are considered.

A Code of Conduct is intended to build the public’s trust and confidence in Council, provide a set of guidelines that govern relationships and behaviour and promote effective working relationships to enable good decision making.

Although not a statutory requirement, councils are encouraged to formally review their existing Code of Conduct and either amend or re-adopt it as soon as practicable after the beginning of each triennium, to ensure that the Code of Conduct is endorsed by all sitting elected members.

3 Discussion / Whakawhiti kōrero

The current Elected Members Code of Conduct 2019 (**Attachment 1**) (the “Code”) was adopted by Council at the beginning of the 2019-2022 triennium.

From time to time, Local Government New Zealand (“LGNZ”) issues guidance and templates for all councils to consider when reviewing their Codes. Council’s current Code largely reflects the 2019 template Code issued by Local Government New Zealand (“LGNZ”).

In December 2022, elected members were invited to review their current Code with reference to the updated 2022 template Code issued by LGNZ (“LGNZ 2022 template Code”). Elected members confirmed that they favoured retention of the current Code with selected amendments, drawn from the LGNZ 2022 template Code in relation to:

- a reference to Te Tiriti principles;

- initiation of complaints under the Code;
- updates to relevant legislation;
- the use of triage and alternative dispute mechanisms in investigation of complaints.

3.1 Areas of proposed revision

Areas of proposed change to the wording of the current 2019 Code are highlighted in Proposed Revised WDC Code of Conduct 2023 at **Attachment 1**.

Reference Te Tiriti principles

One of the key areas of change in the LGNZ 2022 template Code was around an acknowledgement of Te Tiriti o Waitangi and a reference to Te Tiriti principles and how they apply to councils.

It is proposed that clause 3 of Council's current 2019 Code, which covers "Values" is amended to include reference to Te Tiriti principles. Our Maori Outcomes Team have developed a proposed set of wording for inclusion in the revised Code covering partnership, protection and participation.

It is noted that the LGA makes it clear that the Crown obligations to take account of the principles of Te Tiriti and provide opportunities for Maori to participate in decision-making are provided for at a local government level under that Act. This includes requirements for councils to provide ways for Maori to participate in council decision-making processes and have regard to the relationship of Maori with ancestral lands, water, waahi tapu etc when making significant decisions on land or bodies of water.

Initiation of complaints under the Code

Council's current 2019 Code allows members of public to make direct complaints. By contrast the LGNZ template Code, and the indeed the Codes of many Councils, only allow for direct complaints to be made by elected members and the Chief Executive.

The Code is intended to be a self-regulating mechanism to manage the conduct of elected members rather than another channel for complaints by members of the public.

Without the ability to make direct complaints under the Code, members of the public are still able to make a complaint to an elected member or the Chief Executive as well as having the right to take a complaint to the Ombudsman. It is noted that the Office of the Ombudsman has a key role and is resourced to consider complaints by members of the public about local authorities.

It is proposed that clause 12 of Council's current 2019 Code is amended to make it clear that complaints under the Code can only be made by members and the Chief Executive.

Updates to relevant legislation

The LGA requires a Code of Conduct to include a general explanation of the Local Government Official Information and Meetings Act 1987 and any other applicable Act or law.

Since the current 2019 Code was adopted, there has been a significant legislative change in the form of the amendments to the LGA brought about by the Local Government (Pecuniary Interests Register) Amendment Act.

It is proposed that Appendix B of Council's current 2019 Code is amended to reflect this change.

Enhanced complaints resolution mechanisms

The current Code ensures transparency and impartiality in the handling of complaints by requiring complaints received to be referred straight to an independent investigator for assessment.

However, some recent complaint matters have highlighted the issues that can arise in the absence of a means of triage or the ability to explore alternative dispute resolution mechanisms where agreed by the parties.

Proposed changes to clauses 12, 13 and Appendix C of the Code are intended to enhance the mechanisms for early resolution of less serious complaints without the need for recourse to a full investigation and hearing. Options include:

- dismissal of complaints that lack merit (*enhancement of existing provision under the 2019 Code*)
- referral of complaints that are not serious or amenable to mediation to the Mayor for advice and guidance (*enhancement of existing provision under the 2019 Code*)
- referral to mediation where the parties agree.

Where the subject of a complaint is material (serious), no resolution can be reached through mediation and/or mediation is refused, the matter will still be referred for full investigation by the independent investigator.

Whatever process is adopted, it is particularly important that the preliminary assessment of a complaint and any subsequent investigation of that complaint is conducted by a neutral party to safeguard Council from any suggestions of bias in the consideration of Code complaints.

4 Attachments / Ngā Tāpiritanga

Attachment 1 Proposed Revised WDC Code of Conduct 2023

Attachment 2 Powerpoint Presentation

DRAFT ELECTED MEMBER CODE OF CONDUCT 2023

1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of Council and the provision of good local government of the district;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of Council to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of Council and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the Code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all elected members. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of Council to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within the Whangarei district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

Te Tiriti o Waitangi

Council commits to operating in a manner that gives effect to the principles of Te Tiriti o Waitangi and acknowledges the following principles:

1. **Partnership:** The principle of partnership requires local authorities to maintain strong and enduring relationships with mana whenua, whānau, hapū and iwi to govern, design, deliver and monitor services that are culturally appropriate for

Māori and seek to improve outcomes for Māori. Partnership is underpinned by mutual good faith and reasonableness.

2. **Active protection:** The principle of active protection requires local authorities to conduct themselves honourably; use fair processes; and consult fully and, where appropriate, make decisions with mana whenua, whānau, hapū and iwi, whose interests are to be protected, that enhance Māori self-determination.
3. **Participation:** The principle of participation requires local authorities to identify opportunities, and develop and maintain ways, for mana whenua, whānau, hapū and iwi to contribute to council decisions, and consider ways council can help build Māori capacity to contribute to council decision-making.

4. Roles and responsibilities

The Code of Conduct is designed to strengthen the good governance of Whangarei District Council. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the Whangarei district;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of Council against stated goals and objectives set out in its long-term plan;
- Providing prudent stewardship of Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of Council;

- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council;
- Providing leadership for the staff of Council; and
- Employing, on behalf of Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person directly employed by Council itself (s.42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.1 Relationships between members

Given the importance of relationships to the effective performance of Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

5.2 Relationships with staff

An important element of good governance involves the relationship between Council, its Chief Executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;

- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor or the chairperson of the Chief Executive Performance Review Committee (however described);
- Make themselves aware of the obligations that Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise Council's obligations to be a good employer and consequently expose Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of Council's annual audit.

5.3 Relationship with the public

Given the vital role that democratic local government plays in our communities it is important that Council has the respect and trust of its citizens. To facilitate trust and respect in Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of Council.

6. Media and social media

The media play an important role in the operation and efficacy of local democracy.

In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by Council or are expressing a personal view.

2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
- Comments shall be consistent with the Code;
 - Comments must not purposefully misrepresent the views of Council or the views of other members;
 - Social media pages controlled by members and used for making observations relevant to their role as elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
 - Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See Appendix A for guidelines on the personal use of social media).

7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

7.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the Chief Executive as soon as practicable.

8. Conflicts of interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive immediately. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix B). In the event of a conviction elected members can be ousted from office.

9. Register of interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council.

The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the members' spouse/ partner for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
- c) A description of any land in which the member has a beneficial interest within the jurisdiction of Council; and

- d) A description of any land owned by Council in which the member or their spouse/partner is:
- A tenant; or
 - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.
- e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Under the Local Government (Pecuniary Interests Register) Amendment Act 2022, Council must now also keep a register of certain specified pecuniary interests of their members (SEE Appendix B). Declarations under this Act must be made annually in February.

Please note: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$500 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of gifts.

Any failure by members to comply with the provisions set out in this section represents a breach of the Code.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by Council for the purpose of facilitating agreement on Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of Council's performance and operating style during the triennium.
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the Whangarei District Council.

12. Breaches of the Code

Members must comply with the provisions of the Code (LGA 2002, schedule 7, cl. 15(4)). The Code is designed to be a self-regulatory instrument and complaints regarding a breach of the Code can only be made by members themselves or the Chief Executive. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the Code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach, with priority being given to finding a mediated settlement;
- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:
 - Have a right to know that an investigation process is underway;
 - Are given due notice and are provided with an opportunity to be heard;

- Have confidence that any hearing will be impartial;
- Have a right to seek appropriate independent advice and be represented and, if they choose, be accompanied by a support person throughout the process; and
- Have their privacy respected.

12.2 Complaints

All complaints made under this Code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.

Only members themselves and the Chief Executive may make a complaint under this Code.

The process, following receipt of a complaint, will follow the steps outlined in Appendix C.

12.3 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or Council into disrepute or, if not addressed; reflect adversely on another member of Council. An alleged breach under this Code is non-material if, in the opinion of the independent investigator, any adverse effects are minor and no investigation or referral is warranted.

13. Penalties and actions

Where a complaint is determined to be material and referred to Council, the nature of any penalty or action will depend on the seriousness of the breach.

Any actions taken against a member found to be in breach of the Code should be consistent with the following principles.

- Actions should be commensurate with the seriousness of the breach.
- Actions should be applied in a manner that is culturally appropriate and safe for the members involved.
- Actions should, to the degree practical, contribute to an inclusive culture in the local authority by focusing on constructive mediation, learning, and member improvement.

13.1 Material breaches

In the case of material breaches of the Code, Council may require **one or more** of the following:

- A letter of censure to the member;
- A request (made either privately or publicly) for an apology;
- Removal of certain Council-funded privileges (such as attendance at conferences);
- Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
- Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
- Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
- A vote of no confidence in the member;
- Suspension from committees or other bodies to which the member has been appointed; or
- Invitation to the member to consider resigning from Council.

Council may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in section 48 of the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);

- Breaches which result in Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, the Code continues in force until amended by Council. The Code can be amended at any time but cannot be revoked unless Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of Council present at the Council meeting at which the amendment is considered.

Council may formally review the existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

Appendix A: Guidelines on the personal use of social media

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in personal or unofficial online communications that may also refer to Council.

1. **Adhere to the Code of Conduct and other applicable policies:** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions:** Anything you post that can potentially damage Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism:** Even if you are not an official online spokesperson for Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts:** Should you come across negative or critical posts about Council or its activities you should consider referring the posts to Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives:** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information: provided by Council,** such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Elected Members' social media pages should be open and transparent:** When commenting on matters related to Council no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless

there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

Appendix B: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform, then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

The Local Government (Pecuniary Interests Register) Amendment Act 2022

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the 30 main business activities of each of those companies,
- the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- the name of each trust in which the member has a beneficial interest,

- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected,
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,
- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about Council, other members, any employee of Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) A liability has been unlawfully incurred by the local authority; or
- d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) Without the member's knowledge;
- b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) Contrary to the manner in which the member voted on the issue; and
- d) In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

Appendix C: Process where a complaint is referred to an independent investigator

Step 1: Chief Executive receives complaint

On receipt of a complaint under this Code the Chief Executive will refer the complaint to an independent investigator. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will undertake a preliminary assessment to determine the relative merit and seriousness of the complaint and the nature of the subsequent process that will be followed. The investigator will consider whether:

- The complaint is trivial, vexatious, frivolous or politically motivated and should be dismissed;
- The complaint is outside the scope of the Code and should be re-directed to another agency or process;
- The complaint is minor or non-material; or
- The complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties.

Outcomes of preliminary assessment

1. Where an investigator determines that a complaint is trivial, vexatious, frivolous, or politically motivated, the complaint may be dismissed. The Chief Executive will advise both the complainant and the respondent of the investigator's decision
2. In cases where the investigator finds that the complaint involves a potential legislative breach and/or is outside the scope of the Code, they may recommend that it should be re-directed by the Chief Executive to another agency or process. The Chief Executive will advise both the complainant and the respondent of the investigator's decision

3. If the complaint is not dismissed or redirected, the independent investigator may initiate any of the following processes:

- Referral to Mayor

If the subject of a complaint is found to be non-material (not serious) and not amenable to mediation the investigator will inform the Chief Executive and suggest that the respondent is referred to the Mayor for advice and guidance. A meeting or meetings with the Mayor will be regarded as sufficient to resolve the complaint.

The investigator may also recommend a course of action appropriate to the breach for the Mayor's consideration, such as:

- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.
- That the respondent work with a mentor for a period.
- That the respondent tenders an apology.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made as part of a referral to the Mayor in response to a non-material breach are non-binding on the respondent and the Council.

The outcomes of any referral to the Mayor will be confidential and, other than reporting that a complaint has been resolved through referral to the Mayor for guidance, there will be no additional report to council

- Mediation

If the complaint concerns a dispute between two members, or between a member and another party, the investigator may recommend mediation. The investigator will contact the parties and seek their agreement to independently facilitated mediation.

If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required. The outcomes of any mediation will be confidential and, other than reporting that a complaint has been resolved through mediation, there will be no additional report to council unless the complaint is referred for further investigation due to a failure of the mediation process.

If the parties do not agree to mediation, or mediation is unsuccessful in resolving the matter, the investigator will inform the Chief Executive that the matter should be referred for full investigation.

- **Referral for full investigation by independent investigator**

If the subject of a complaint is found by the investigator to be material (serious) or no resolution can be reached through mediation and/or mediation is refused, the investigator will inform the Chief Executive that the matter should be referred for full investigation and the Chief Executive will inform the complainant and respondent.

Step 3: Independent investigator to undertake full investigation

Where a complaint is referred for full investigation the investigator will undertake an investigation appropriate to the scale of the seriousness of the alleged breach and then prepare a report for Council on the seriousness of the breach and recommend actions commensurate with the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Step 4: Process for considering the investigator's report

The investigator's report will be considered by Council or the adjudicative body established by Council for considering the complaint, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with section 48 LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including

the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

Elected Member Code of Conduct Review

Council Briefing – Tuesday 30 May 2023

Rebecca Rowsell – Legal Counsel

Emily Thompson – Manager – Democracy and Assurance

Purpose of briefing

- The current Code was adopted by Council on 19 December 2019
- This Code remains in effect until another one is adopted.
- In a briefing in late 2022, elected members asked staff to make changes to update the current Code.
- The purpose of this briefing is to share proposed changes to the Code in advance of a revised Code being recommended for adoption.

Why have a Code of Conduct?

- Legislation says we have to – Local Government Act 2002 (Schedule 7, clause 15)
- Builds the public's trust and confidence in Council
- Provides guidelines that govern relationships and behaviour
- Promotes effective working relationships to enable good decision making.

Proposed areas of change as they occur Attachment 1.

1. Te Tiriti (Pgs 2-3)
2. Initiation of complaints (Pgs 9-11)
3. Updates to legislation (Pgs 17-18)
4. Complaints investigation (Pgs 21-23)

- **1. Te Tiriti/ The Treaty**
- **Recommendation:** that the Code is updated to include reference to Te Tiriti.

- **2. Initiation of complaints**
- Council's current Code allows for members of the public to make direct complaints.
- The LGNZ template Code and other Councils' Codes only allow complaints to be made by elected members and the Chief Executive.
- The Code is intended to be self regulating.
- Members of the public have other existing options including the option to complain to the Ombudsman.
- **Recommendation:** Council remove the ability for members of the public to make direct complaints

• 3. Legislative Changes

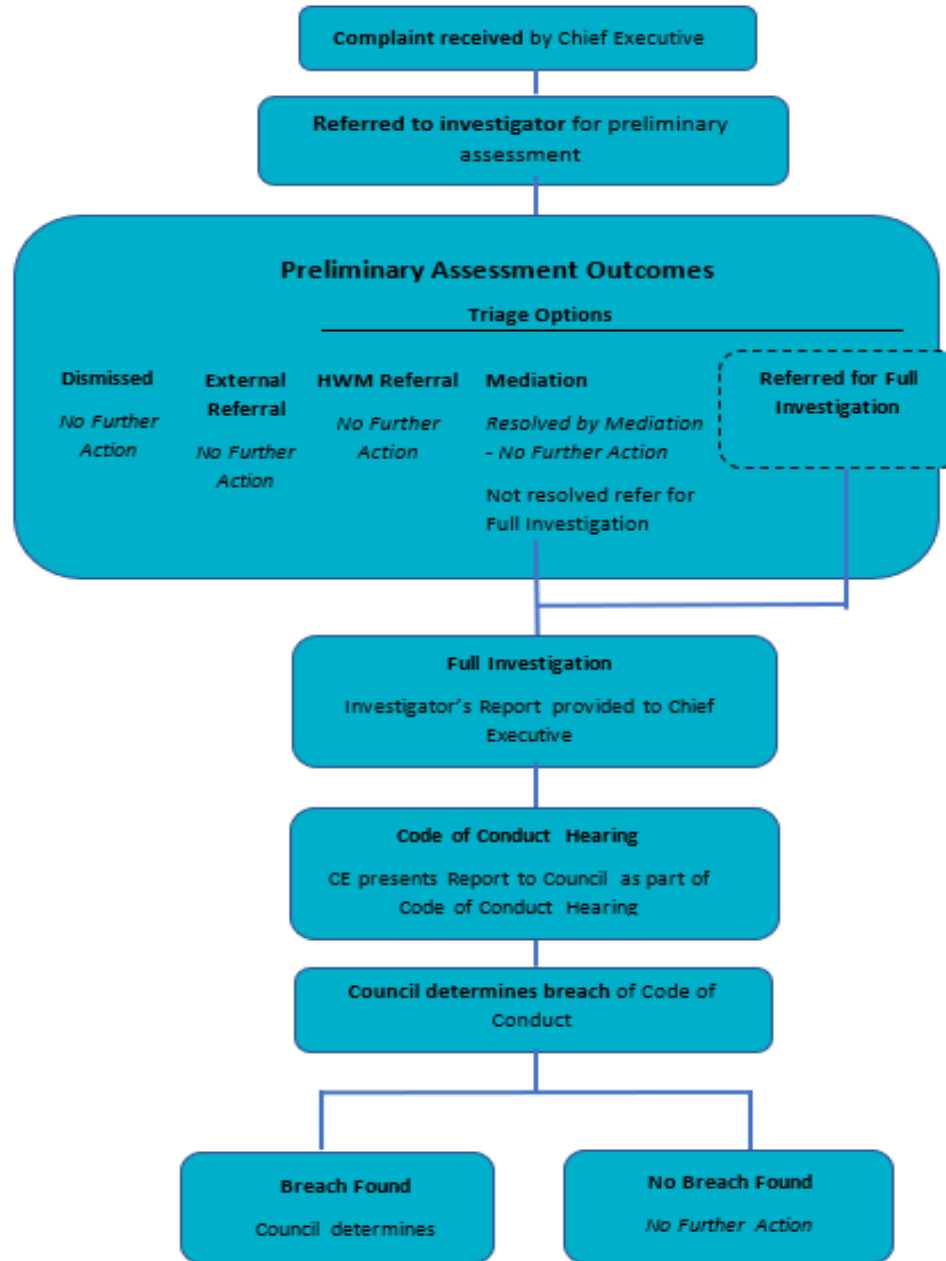
- The LGA requires a Code of Conduct to include a general explanation of laws applicable to members including the Local Government Official Information and Meetings Act 1987;
- Since adoption of 2019 Code there have been legislative changes; specifically the Local Government (Pecuniary Interests Register) Amendment Act
- Recommendation: That the Code is updated to include reference to the Local Government (Pecuniary Interests Register) Amendment Act.

4. *Complaints investigation*

- Under the current Code complaints must be referred straight to an independent investigator for preliminary assessment and full investigation where a material breach is established.
- Where the investigator finds a material breach the matter is reported to Council for consideration.

Recommendation: Council amend the Code to include triage options at the stage of preliminary assessment, including the option to mediate, rather than limiting resolution options to a formal investigation and hearings process.

Code of Conduct Compliance Investigation Process Diagram



Where to from here?

Any changes will be incorporated into the revised Code to be brought before Council for adoption as soon as practical.

2.2 Bylaws Overview and 2023 Review Programme

Meeting:	Council Briefing
Date of meeting:	30 May 2023
Reporting officer:	Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To provide Council with an overview of its existing bylaws and introduce the bylaws review programme for 2023.

2 Background / Horopaki

Council currently has 15 bylaws. All bylaws are made within a legislative framework, usually set by the Local Government Act 2002 (LGA). Bylaws generally fall into two main categories:

- 1) bylaws that regulate activities in public places to promote public health and safety and reduce the potential for nuisance; and
- 2) bylaws designed to regulate or manage public assets (especially non-road infrastructure).

Bylaws generally must be reviewed following a process and within a timeframe stipulated by legislation. This review timeframe is usually either five years for a new bylaw or ten years for an existing bylaw that has been reviewed previously.

The Strategy Department leads the review of all bylaws, and supports the bylaw review when the bylaw is owned by another department. The Strategy Department is also responsible for reviewing three statutory policies: the Easter Sunday Shop Trading Policy, Class 4 Gambling Policy and Board Venue Policy.

Attachment 1 provides a list of Council's existing bylaws.

A bylaw review can take from nine to 18 months to complete. The key steps in a bylaw review process are:

1. Findings: A report to Council to start the review process and present some initial findings for direction
2. Issues and options: A report to Council providing detailed analysis and any recommended changes to a bylaw for discussion and direction
3. Draft bylaw and approval for consultation: A final draft bylaw is presented to Council for approval to consult.
4. Consultation: Written and oral submissions are sought. The public must be provided an opportunity to present their views in spoken form, including in New Zealand Sign Language, to either Council or a panel of Elected Members with the appropriate delegation.
5. Deliberations: Council or a panel of Elected Members deliberate on the matters raised in submissions and makes decisions on a final proposed bylaw.
6. Council decides on the final bylaw.

The above steps are indicative only and may change depending on circumstances. In some cases, additional briefings or meetings may be required to provide direction. In most cases, informal engagement with key stakeholders, including hapū, will also take place at various stages of the process.

3 Discussion / Whakawhiti Kōrero

3.1 Bylaws review programme for 2023

Council faces a congested bylaws review programme over the next 18 months, with 12 bylaws (including statutory policies within Strategy’s remit) falling due for review by the end of 2024 (see Attachment 1). This is mainly a result of a long-running vacancy in the Bylaws Strategic Planner role, which was filled only at the end of 2022.

Table 1 below summarises the 2023 bylaws review programme, as dictated largely by statutory review requirements.

Table 1

Bylaws review programme 2023	Comment
Water Supply Bylaw	See Briefing agenda item
Trade Waste Bylaw	See Briefing agenda item
Dog Management Bylaw and Policy	See Briefing agenda item
Alcohol Control Bylaw	Review due December 2023
Stormwater Management Bylaw	Option to defer review (see 3.2)
Wastewater Bylaw	Option to defer review (see 3.2)

3.2 Option to defer water services bylaw reviews

The Water Services Entities Act 2022 (WSEA) allows for territorial authorities to defer the review of “water services” bylaws under certain conditions. Council’s Stormwater Management Bylaw and Wastewater Bylaw meet these criteria. Most of the matters under these bylaws are anticipated to become the responsibility of the new Water Services Entity on 1 July 2024.

Subject to direction received at this Briefing, staff will present a recommendation to Council at an upcoming meeting to defer the review of these two bylaws.

3.3 Bylaw hearing panels

For statutory consultations, the LGA includes requirements to allow people to present their views on the subject of the consultation “in a manner that enables spoken or NZ Sign Language”. In the past, Council has met this requirement by holding hearings in Council chambers after written submissions have closed. This followed other legislative approaches where people would attend a hearing to “speak” to their written submission. A written submission is not a prerequisite for presenting an oral submission under the LGA.

A formal Council hearing may not be the most conducive format for many people to be able to present their views. Anecdotally, its formality and process can be intimidating. Furthermore, changes in practices in the wake of Covid-19 have given rise to a range of alternative methods for Elected Members to “hear” submitters, such as phone calls and online meetings.

There are a range of possible ways to “hear” people, such as drop-in days or “chat with a Councillor” sessions. Each process may use one or more methods depending on the topic and the wider context.

Prior to consultation for each bylaw under review, staff will ask Council to identify a group of Elected Members to form a “bylaw hearing panel” with the delegated authority to “hear” submitters, deliberate on matters raised in submissions and then make a recommendation back to Council on the final proposed bylaw. This is standard process across many councils in Aotearoa/New Zealand.

Bylaw hearing panels would have the additional advantage of splitting and therefore lightening the workload for Elected Members during a congested bylaws review programme over the coming 12-18 months.

4 Attachments / Ngā Tāpiritanga

Attachment 1 - Whangarei District Council Bylaws

Attachment 1

Bylaw/Policy	Made under	Last review	Review due	Purpose
Water Supply Bylaw	LGA	30/05/2012	30/05/2022	Regulates Council's supply of water
Trade Waste Bylaw	LGA	27/06/2012	27/06/2022	Regulates the discharge of trade wastes into the public wastewater network
Dog Management Bylaw and Policy	Dog Control Act	29/05/2013	29/05/2023	Regulates the management of dogs (mandatory under the Dog Control Act)
Solid Waste Management Bylaw	LGA/Waste Minimisation Act	28/08/2013	28/08/2023	Manages and seeks to minimise waste to promote public health and safety
Alcohol Control Bylaw	LGA	13/12/2018	13/12/2023	Controls the possession and consumption of alcohol in public places
Easter Sunday Shop Trading Policy	Shop Trading Hours Act	n/a	21/02/2024	Enables shops to trade on Easter Sunday if they wish to
Stormwater Management Bylaw	LGA	04/06/2014	4/06/2024	Manages stormwater so as to protect people, property and the environment
Wastewater Bylaw	LGA	04/06/2014	4/06/2024	Regulates household wastewater drainage into the public wastewater network
Class 4 Gambling Policy	Gambling Act	22/07/2021	22/07/2024	Controls the establishment of new Class 4 Gambling Venues
Board Venue Policy	Racing Act	22/07/2021	22/07/2024	Provides for TAB gambling venues with an eye to adverse social impacts
Control of Advertising Signs Bylaw	LGA/Land Transport Act	24/09/2014	24/09/2024	Ensures that signs do not jeopardise public safety
Public Places Bylaw	LGA	24/09/2014	24/09/2024	Controls diverse activities in public places to promote public safety and reduce nuisance
Food Businesses Grading Bylaw	LGA	16/12/2015	16/12/2025	Provides for food hygiene grades for food businesses
Control of Vehicles on Beaches Bylaw	LGA/Land Transport Act	29/09/2016	29/09/2026	Regulates the use of vehicles on beaches to promote public health and safety
Parking and Traffic Bylaw	LGA/Land Transport Act	14/12/2017	14/12/2027	Manages parking and traffic on Council-controlled streets and roads
Camping in Public Places Bylaw	Freedom Camping Act	25/02/2021	25/02/2031	Regulates camping on Council-controlled land
Animals Bylaw	LGA	26/05/2022	26/05/2032	Regulates the ownership of animals (other than dogs) to promote public health and safety and reduce nuisance
Alcohol Fees Bylaw	Sale and Supply of Alcohol Act	23/03/2016	n/a	Sets alcohol licensing fees

2.3 Dog Management Policy and Bylaw

Meeting:	Council Briefing
Date of meeting:	30 May 2023
Reporting officer:	Shireen Munday (Consultant) Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To provide Council with an overview of the statutory review of the Dog Management Policy and Bylaw.

2 Background / Horopaki

Council is required under the Dog Control Act 1996 (the Act) to adopt a Policy on Dogs and to make an associated Dog Management Bylaw to give effect to the Policy. For the purposes of this report, the Policy on Dogs and the Dog Management Bylaw are referred to as the DPB due to the interrelationship between both documents.

The DPB was last reviewed in 2013. The DPB is subject to a 10-year review period in accordance with s159 of the Local Government Act 2002 (LGA), and this 10-year review was due in March 2023.

Due to the issues outlined in other reports to this Briefing, the 10-year review period requirement of March 2023 was not met. Section 160A of the LGA allows the DPB to continue for another 2 years until March 2025, when it will expire.

Had Council completed the review requirements ahead of March 2023, then a subsequent review would not have been due for another 10 years. As a result of the review date not being met, the new DPB will require a 5-year review under s158 of the LGA.

The DPB development has now commenced, and this item provides an update and overview of the key elements of the process. While technically the outcome will be a new DPB and the associated necessary legislative determinations, the process undertaken will be largely based on a review of the current DPB to inform these.

3 Discussion / Whakawhiti kōrero

3.1 DPB content

The Act provides a range of compulsory matters that must be addressed in the DPB as well as a range of elective matters for Council's consideration. A table showing these and providing an overview of the matters included in Council's current DPB are provided in Attachment 1.

One of the compulsory elements of the DPB is 'dog access rules'. The dog access rules outline where in the District dogs are allowed off-leash, on-leash or are prohibited. The dog access rules also provide for dog exercise areas ('dog parks') and 'summer time and season

rules', which provide specific restrictions for dogs, usually on beaches, during the busier summer months.

The Act includes a range of matters for Council to consider in developing and adopting the DPB and specifically the dog access rules. Council must have regard to:

- the need to minimise danger, distress, and nuisance to the community generally
- the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults
- the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs
- the exercise and recreational needs of dogs and their owners.

3.2 Review process requirements and overview

Due to the specific and unique requirements of the DPB process, the statutory process is slightly different than for a 'standard' bylaw development or review process under the LGA. However, at a high level, the process is largely the same:

1. Initial findings – a report to present some initial findings to Council for a direction.
2. Issues and Options – a report that provides detailed analysis and any associated recommended changes to the DPB for discussion and direction.*
3. Final draft and approval to consult – a final draft of the proposed DPB is presented to a Council meeting for approval to consult.
4. Statutory consultation – generally seeking written submissions and including an option for the public to provide their feedback verbally to Council or Elected Members with appropriate delegations.
5. Deliberations – Council / a Panel of Elected Members deliberates on the matters raised in submissions and makes decisions on what the final content of the proposed DPB should be.
6. Council decides on the final DPB at a Council meeting.

* *Steps one and two above may be combined, depending on the specifics of the process.*

To inform the first two steps of the process, staff are in the process of undertaking desktop research activities and reviewing and analysing previous complaints and communications to Council on the existing DPB, as well as meeting with the relevant parks and regulatory staff to obtain feedback on any known issues or problems the review should address.

DPBs, and in particular the dog access rules, can be a contentious issue for communities. There are often diverging views on what types of access for dogs are appropriate in various locations, and there are also usually a range of stakeholder groups who, in addition to individual members of the public, hold specific views on DPB-related matters.

Additionally, the last DPB consultation occurred over ten years ago. Therefore, to inform steps 1 and 2 of the process above, staff are undertaking an initial informal engagement process to obtain community views, with a focus on the dog access rules. This engagement will be undertaken from early June to mid-July.

The engagement will aim to reach as many identified stakeholder groups as possible as well as the wider public to inform the development of the new draft DPB for Council's consideration.

3.3 Review timeframes

The proposed high-level timetable for the review of the DPB is as follows:

Informal engagement	6 June – 14 July
Findings and issues and options for direction	September Council Briefing
Statement of Proposal for consultation	October Council Meeting
Statutory consultation	1 November to 15 December
Deliberations	February 2024
Final decision of Council Meeting	March 2024

4 Attachments / Ngā Tāpiritanga

Attachment 1 – Required and voluntary contents of a DPB

Attachment 1

The list below provides an overview of the required and elective components of a Policy on Dogs and a Dog Control Bylaw. Elective components are shown in *italics* and those components included in the current Policy on Dogs and Dog Management Bylaw are shown highlighted in grey.

Policy on Dogs (Section 10, Dog Control Act 1996)

- Specify places for dog access rules (prohibited, on a leash, off a leash and dog exercise areas)
- Approach to managing menacing dogs
- *Fees or proposed fees*
- *Owner education programmes*
- *Dog obedience courses*
- *Classification of owners*
- *Issuing of infringement notices*
- *Other details as Council thinks fit*
- Specify the nature and application of any bylaws made.

Dog Control Bylaw (Section 20, Dog Control Act 1996)

- Specify places for dog access rules (prohibited, on a leash, off a leash and dog exercise areas)
- *standards for dog accommodation*
- *number of dogs on premises*
- *requiring dogs to be tied up overnight*
- *picking up of dog faeces*
- *dogs in season*
- *impounding dogs in breach of bylaw*
- *require certain dogs to be neutered*
- *dogs on private property*
- *any other purpose deemed necessary or desirable by Council*

2.4 Trade Waste Bylaw

Meeting:	Council Briefing
Date of meeting:	30 May 2023
Reporting officers:	Simon Charles (Manager – Waste and Drainage) Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To update Council on the statutory review of Whangarei District Council's Trade Waste Bylaw and to outline the next steps.

2 Background / Horopaki

The purpose of Council's Trade Waste Bylaw (the Bylaw) is to:

- Regulate the discharge of liquid wastes from trade premises into the public wastewater network
- Protect the public wastewater system
- Protect the environment and public health
- Provide for the recovery of costs associated with the disposal of trade wastes.

The Bylaw was last reviewed in June 2012. Under section 159 of the Local Government Act 2002 (LGA), it was therefore due to be reviewed by June 2022. This was anticipated to be achieved, given that the review process was initiated in early 2021 and a Statement of Proposal was adopted for public consultation on 22 July 2021.

The review was put on hold in late 2021 in response to uncertainty over central government's Three Waters reform programme and due to major concerns raised by hapū during consultation about the disposal of mortuary and hospital wastes into the public wastewater system. Staff were directed at the time to explore options and engage further with hapū on this matter.

Section 160A of the LGA provides a two-year "grace period" for bylaws that do not meet their review deadline. This means that the Trade Waste Bylaw in its current state will be automatically revoked in June 2024, before the planned Establishment Date of the new Water Services Entity on 1 July 2024. It is anticipated that from that date, Council will no longer control or enforce the matters contained in the Bylaw.

Should Council's Trade Waste Bylaw be left to automatically expire in June 2024, all existing discharge consents will cease to be valid until such time as a new Water Services Entity creates new ones. This is a concern from environmental, public health and regulatory stewardship perspectives.

3 Discussion / Whakawhiti Kōrero

Advice received following the decision to suspend the review process confirmed that amending the Bylaw to include provisions to address the specific concerns about mortuary

waste would pose a procedural risk without reconsulting with the wider community. This is because the matter was explicitly excluded from the Statement of Proposal adopted by Council in July 2021.

Furthermore, because the review process has already begun, it should be concluded within a “reasonable” period to ensure that the final proposal reflects a timely response to the community views raised.

Technical staff have undertaken work to identify the actions and processes that would be required from both Council and commercial operators to implement provisions in the Bylaw that prohibited the discharge of mortuary waste into the wastewater system. Staff consider the resourcing required to deliver the necessary infrastructure, involving land acquisition, a resource consent process (with the assumption that it is approved) and construction of new treatment and disposal facilities, in addition to costs associated with new plumbing and holding tanks for private funeral homes, to be prohibitive in the timeframe available, given the anticipated transfer of the Bylaw’s regulatory and enforcement mechanisms to the new Water Services Entity.

Staff have briefed the Te Kārearea Standing Committee about Council’s inability to deliver on outcomes sought in submissions at this time and have spoken with individual submitters to this effect.

4 Next steps / E Whaiake Nei

The next steps are to deliberate on the submissions received during the 2021 consultation. A deliberations meeting has been scheduled on 14 June 2023 for this purpose.

2.5 Water Supply Bylaw

Meeting:	Council Briefing
Date of meeting:	30 May 2023
Reporting officers:	Andrew Venmore (Manager – Water Services) Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To outline options for the statutory review of Council's Water Supply Bylaw and to seek direction on associated next steps.

2 Background / Horopaki

The purpose of Council's existing Water Supply Bylaw (the Bylaw) is to:

- Protect public health and the security of the public water supply
- Outline the responsibilities of both Council and consumers with respect to the public water supply
- Detail mechanisms to recover the costs of supplying water to the public
- Prevent wastage of water
- Provide a mechanism to manage demand
- Detail breaches and offences and provide a disputes procedure

The Bylaw was last reviewed in May 2012. The 10-year statutory review under section 159 of the Local Government Act 2002 (LGA) was therefore due to be completed by May 2022. To meet this timeframe, staff began reviewing the Bylaw in 2021 and presented an initial report to a Briefing in September 2021 with the options of amending the Bylaw or revoking it and introducing either District Plan rules or a standalone policy. The review process was then put on hold due to uncertainty over Three Waters legislation and the implications for the future of the Bylaw.

The Bylaw will remain valid until May 2024, when it will automatically expire under section 160A of the LGA. Under the current Three Waters legislation, this leaves a gap of little over one month between the Bylaw's automatic revocation and the anticipated transfer of Council's powers to control and enforce the matters contained within a Water Services Bylaw to the new Water Services Entity on 1 July 2024.

Because the May 2022 review deadline has lapsed, Council must now consider whether it wishes to keep the relevant regulatory mechanisms in place until the Establishment Date of the new Water Services Entity by making a new Bylaw. This would give the anticipated Water Services Entity regulatory mechanisms to rely on until such time as it creates alternative mechanisms.

3 Discussion / Whakawhiti kōrero

In September 2021, staff presented Council with the options of amending the Bylaw or revoking it and introducing either District Plan rules or a standalone policy.

Given the imminent expiry of the Bylaw and the lack of time to fully research, analyse and implement the previously presented options, staff consider that the only reasonably practicable options for consideration are to proceed with developing a new Bylaw or to let the current Bylaw lapse.

Technical staff have assessed the proposed amendments to the current Bylaw presented to Council in 2021 and have confirmed that the existing Bylaw including those proposed amendments (Attachment 1) remains fit for purpose.

Table 1 below summarises the implications of both options.

Table 1

Option	Description	Advantages	Disadvantages
Option 1	Make a new bylaw by May 2024	<ul style="list-style-type: none"> - Regulatory continuity - Enforceability - Supported by Ministry of Health 	<ul style="list-style-type: none"> - Use of staff resources
Option 2	Let the bylaw expire in May 2024	<ul style="list-style-type: none"> - Save staff time and consultation process 	<ul style="list-style-type: none"> - No enforceability - Reputational risk - Regulatory discontinuity - Risk of longer period without bylaw if Three Waters is delayed

Replacing the expiring Bylaw with a new Bylaw will ensure the relevant regulatory mechanisms remain in place during the transition period to the new Water Services Entity and until such time as that Entity creates any new alternative regulatory mechanisms.

The statutory process for making a new Bylaw largely mirrors that for amending an existing bylaw, including the requirement for consultation under the LGA. Table 2 outlines an indicative timeline for making a new Water Supply Bylaw.

Table 2

Proposed Water Supply Bylaw timeline	
Jul-2023	S155 determinations & adoption of Statement of Proposal
Aug-2023	Consultation and hearings
Sep-2023	Deliberations
Oct-2023	Make new Bylaw

4 Attachments / Ngā Tāpiritanga

Attachment 1 - Draft Water Supply Bylaw 2023

Whangarei District Council

Water Supply Bylaw 2023

Table of Content

Water Supply Bylaw 2023	1
<i>Explanatory notes.....</i>	<i>1</i>
<i>Title.....</i>	<i>1</i>
<i>Commencement.....</i>	<i>1</i>
<i>Repeal.....</i>	<i>1</i>
<i>Application of bylaw.....</i>	<i>1</i>
<i>Schedule of reviews and amendments.....</i>	<i>1</i>
Water supply definitions	2
1 Part 1 Terms and conditions for the supply of water.....	4
1.1 <i>Introduction.....</i>	<i>4</i>
1.2 <i>Acceptance and duration.....</i>	<i>5</i>
1.3 <i>Conditions of supply.....</i>	<i>5</i>
1.4 <i>Customer responsibilities.....</i>	<i>12</i>
1.5 <i>Breaches, offences and disputes.....</i>	<i>15</i>
2 Part 2 General requirements.....	15
2.1 <i>Introduction.....</i>	<i>15</i>
2.2 <i>Types of supply.....</i>	<i>15</i>
2.3 <i>Supply system.....</i>	<i>15</i>
2.4 <i>Protection of supply.....</i>	<i>16</i>
2.5 <i>Water supply area.....</i>	<i>18</i>

Water Supply Bylaw 2023

Explanatory notes

Council is empowered by the Local Government Act 2002 to make bylaws to:

- protect public health and the security of the public water supply
- detail the responsibilities of both Council and the consumer with respect to the public water supply
- detail different types of water supply
- detail mechanisms for the recovery of costs of water supply
- prevent the wastage of water
- provide a mechanism for demand management
- detail breaches and offences and provide a disputes procedure.

The Water Supply Bylaw 2023 aims to achieve these purposes and should be read in conjunction with the Acts, Regulations, Codes and Standards listed in the bylaw.

This bylaw includes explanatory text that is not part of the regulatory content of the bylaw. The explanatory notes are contained in boxes such as this and may assist in interpreting the regulatory provisions of the bylaw.

Title

The title of the bylaw shall be Whangarei District Council Water Supply Bylaw 2023.

Commencement

This bylaw comes into force on **XXXXX**.

Repeal

As from the date this bylaw comes into force, any previous bylaws and their amendments, or parts of a bylaw and their amendments as applicable, purporting to matters relating to water supply within the Whangarei District shall be repealed.

Application of bylaw

This bylaw shall apply to the area administered by Council.

Schedule of reviews and amendments

Date of Council resolution	Description	Summary
4 December 1996	Water Supply Bylaw 1997	Resolution passed to make the bylaw
2 August 2000	Water Supply Bylaw 2000	Amendment Part 2 General Requirements added
14 December 2005	Water Supply Bylaw 2005	5 year review
22 February 2012	Water Supply Bylaw 2005	10 year review
31 May 2012	Water Supply Bylaw 2012	Amendment to point of supply
Dd mm 2023	Water Supply Bylaw 2023	10 year review

Water supply definitions

For the purpose of this bylaw, unless inconsistent with the context, the following definitions apply:

Air gap separation	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.
Air valves	can be located on all watermains for the purpose of air removal from the watermain network.
Approved	means approved in writing by Council, either by resolution of Council or by any officer of Council authorised for that purpose.
Backflow	means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.
Backflow prevention device	means a testable device that prevents backflow. For the purpose of this bylaw a backflow prevention device refers to those devices installed at the property boundary.
Bulk watermains	means the pipes which convey water from Council's water treatment plants or from service reservoirs generally 200mm to 500mm in diameter.
Check valve	means a valve designed to prevent flow in the reverse direction to normal flow.
Council and the Council	means Whangarei District Council.
Customer	means a person who has the right to use or direct the manner of use of water supplied by Council to any premises.
Detector check valve	is a check (non-return) valve, which has a positive closing pressure, and a metered bypass to measure flows typically associated with leakage or unauthorized use on a dedicated fire supply.
Distribution watermains	means the water supply pipelines which convey water through the water supply network and service customers generally 100mm to 200mm in diameter.
Double Check Valve	Testable backflow prevention device with two check valves and test ports
Drinking Water	is water that is used for human consumption or oral hygiene or food preparation or washing utensils that are used for food preparation..
Dual Check Valve	Non-testable backflow prevention device with two nonreturn-valves
Extraordinary supply	has the meaning given by clause 1.d) of this bylaw.
Fees and charges	means such schedule of items, terms and prices for services associated with the supply of water which are approved by Council.
Fire hydrants	are located on the distribution watermains for the purpose of fire fighting.

Level of Service	means the measurable performance standards to which Council undertakes to supply water to its customers.
Meter	is a device for the purpose of measuring the volume of water consumed.
On demand supply	has the meaning given by clause 1.d) of this bylaw.
Ordinary supply	has the meaning given by clause 1.d) of this bylaw.
Person	includes a corporation sole and also a body of persons whether corporate or unincorporated.
Point of supply	has the meaning given by clause 1.3.2 of this bylaw.
Premises	<p>a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued</p> <p>a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available</p> <p>land held in public ownership for a particular purpose.</p>
Pressure reducing valves	are valves used within the reticulation system to reduce pressures from unacceptable high levels down to more reasonable levels as required due to changing elevation within the distribution system.
Publicly notified	means published on at least one occasion in one daily or weekly newspaper circulating in Council water supply area; or under emergency conditions in the most effective way to suit the particular circumstances.
Raw watermains	are watermains that convey water from the source to the treatment plant.
Reduced Pressure Zone Device (RPZ)	Two independent action non-return valves arranged to be force loaded to the closed position, with a relief valve positioned between the non-return valves arranged to be force-loaded to open to the atmosphere.
Restricted flow supply	has the meaning given by clause 1.3.3.2 of this bylaw.
Restrictor	means a control device fitted to the service pipe to regulate the flow of water to a customer's premises.
Rider watermains	are small diameter watermains placed on the opposite side of the street to the distribution watermain to serve customers on that side of the street to avoid individual service pipes crossing the street, generally being 50mm in diameter.
Roading authority	means either Whangarei District Council or New Zealand Transport Agency.
Service pipe	means that section of water pipe between a water main and the point of supply, which is owned and maintained by Council.

Service valves	are located within the water distribution system for the purpose of isolating areas of the distribution system.
Storage tank	means any tank, having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.
Supply pipe	means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises, which is owned and maintained by the customer.
Targeted rate for water	means those rates set under the Local Government (Rating) Act 2002 and includes water supply and backflow charges.
Termination	means the physical cutting off of the supply to a premise.
Water Carriers	means any individual drinking-water carrier or company registered with the Ministry of Health as a recognised carrier of drinking-water as defined under drinking-water above.
Water supply area	means an area of the District administered by Council and within which Council provides drinking water by network reticulation.
Water supply authority	and WSA is the operational unit of Council responsible for the supply of water, and includes its authorized agents.
Water unit	is the basis of measurement for a restricted flow supply with one water unit equal to a volume of 1.0m ³ .
Zone valves	or red valves are valves which are normally closed and demark the change from one pressure zone to another.

1 Part 1 Terms and conditions for the supply of water

1.1 Introduction

1. The following terms and conditions are made under the authority of the Local Government Act 2002 for the supply of water to its customers by Council.
2. The supply and sale of water by Council is subject to this bylaw and:
 - a) the following statutory acts and regulations:
 - i) Health Act 1956
 - ii) Health (Drinking Water) Amendment Act 2019
 - iii) Local Government Act 2002
 - iv) Local Government Rating Act 2002
 - v) Building Act 2004
 - vi) Resource Management Act 1991
 - vii) Water Services Bill 314-1 2020
 - viii) Whangarei District Council Backflow Prevention Policy and Code of Practice (Policy020) 2021
 - ix) Building Regulations 1992 Schedule 1 containing the Building Code; and

- x) together with all statutory modification and amendments thereof and statues made in substitution thereof.
- b) The following codes and standards:
- i) Drinking Water Standards for New Zealand 2005 (*revised 2018*) Ministry of Health
 - ii) BS 5728 Part 3:1984 – Measurement of flow of cold potable water in closed conduits
 - iii) OIML R49-2 Water meters intended for the metering of cold potable water and hot water
 - iv) SNZ PAS 4509:2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice
 - v) Environmental Engineering Standards Whangarei District Council
 - vi) Standard Specification for Construction of Water Mains Whangarei District Council
 - vii) Whangarei District Council Hygiene Code and
 - viii) together with all statutory modification and amendments thereof and statues made in substitution thereof.

1.2 Acceptance and duration

1. Any person being supplied, or who has made application to be supplied, with water by Council is deemed to accept these terms and conditions, and any subsequent amendments.
2. These terms and conditions shall come into effect on **8 June 2012** customers receiving a supply at that date accept that minimum flows and static pressures apply. For some customers whose point of supply are within 25 vertical metres of the normal operating level of the relevant service reservoir may not receive the Level of Service specified in Council's Water Activity Management Plan.
3. For customers receiving a supply after **8 June 2012**, these terms and conditions shall come into effect from the date of receipt of supply.
4. The terms and conditions shall remain in force until further notice.

1.3 Conditions of supply

1.3.1 Application for supply

1. Every application for a supply of water shall be made in writing in accordance with the standard Council procedure together with the payment of the prescribed fees and charges and development contribution fee if applicable. The applicant shall provide all the details required by Council.
2. Within twenty working days of the receipt of an application complying with these terms and conditions Council shall, after consideration of the matters in Clauses 1.3.4 and 1.3.5, either:
 - a) approve the application and inform the applicant of the type of supply, the size of the connection, any particular conditions the applicant shall meet, and the general terms and conditions including Level of Service under which water will be supplied
 - b) refuse the application and notify the applicant of the decision giving the reasons for refusal
 - c) put application on hold pending further investigation. The applicant shall be informed immediately.
3. The applicant must have the authority to act on behalf of the owner of the premises for which the supply is sought, and shall produce written evidence of this if required.
4. Council has the discretion to approve or not to approve any application for a water supply connection.
5. A new application for supply shall be required if a customer wishes to increase the consumption of water, change the Level of Service, change the use of the water, relocate the point of supply, or alter in any way the service pipe.
6. Where Council considers that the pipe and fittings for the required water demands are inadequate or oversized Council may specify the required pipe and fittings.
7. An approved application for supply which has not been actioned within six months of the date of application will lapse unless otherwise approved. Any refund will be at the discretion of Council.

Council will determine the sizes of all pipes, fittings and any other equipment required up to the Point of supply. Following installation Council or its appointed agents will maintain the service pipe up to the point of supply.

1.3.2 Point of supply

1. The point of supply to an individual customer is the point on the service pipe as deemed by Council, which marks the boundary of responsibility between the customer and Council.
2. Where there is a water meter or backflow prevention device then the point of supply is that point which is directly downstream of such water meter or backflow prevention device (see Figures 1 -7) unless 1.3.2.2.2 applies.
3. Where there is no water meter and/or backflow prevention device installed then the point of supply is the point where the service line crosses from Council's property (being generally road reserve) into private property so as to service an individual customer.

1.3.2.1 Typical layout at point of supply

The typical layout of the fittings at a point of supply is shown in Figure 7a to 7g.

1.3.2.2 Single ownership

1. For single dwelling units the point of supply shall be located as shown in Figure 1 or as close as possible to the property boundary where fences, walls or other permanent structures make it difficult to locate it at the required position. All pipework on the customer's side of the point of supply is the responsibility of the customer.
2. In situations where the meter and/or backflow prevention device is located on private property either before or after the coming into effect of these terms and conditions, the point of supply shall be either the:
 - a) tail piece of the water meter or backflow prevention device (if installed) where the meter is within 1.0m from the Council boundary; or
 - b) Council boundary where the meter is located more than 1.0m from the Council boundary.
3. For each individual customer there shall only be one point of supply, unless otherwise approved.
4. For individual customers on joint rights of way and common access ways, the point of supply shall be located as shown in Figure 2a, 2b or 2c unless otherwise approved.

1.3.2.3 Multiple ownership

1. The Point of supply for the different forms of multiple ownership of premises and/or land shall be as follows:
 - a) for Company Share/Block Scheme Body Corporate – as for single ownership
 - b) for Leasehold/Tenancy in Common Scheme Cross Lease, Strata Title, and Unit Title Body Corporate – each owner shall have an individual supply with the point of supply determined by agreement with Council generally as shown in Figures 3 and 4. In specific cases other arrangements may be acceptable subject to individual approval
 - c) for commercial properties in multiple occupation or ownership the point of supply shall be as shown in Figure 4
 - d) for commercial and industrial properties with both fire and service connections, the point of supply shall be as shown in Figures 5 and 6.
2. For a multiple ownership supply which was in existence prior to the coming into effect of these terms and conditions, the point of supply shall be as detailed above unless a documented agreement exists or as determined by agreement with Council for an individual case

1.3.3 Types of Supply

1.3.3.1 On demand supply

An on demand supply is a supply which is available on demand directly from the point of supply.. There are two types, which are defined as follows:

1. Ordinary supply
The supply of drinking water to a customer which is used solely for domestic purposes in a dwelling unit shall be deemed to be an ordinary supply. Such purposes shall include the use of a hose for:
 - a) washing down a car, boat etc.
 - b) garden watering by hand
 - c) garden watering by a portable sprinkler subject to the provisions of 1.3.6.1.
2. Extraordinary supply
All other purposes for which water is supplied other than ordinary supply shall be deemed to be an extraordinary supply and may be subject to specific conditions and limitations. Such purposes shall include:
 - a) domestic – filling spa or swimming pool, fixed garden irrigation systems
 - b) commercial and business
 - c) industrial
 - d) fire protection systems
 - e) any customer outside a defined water supply area
 - f) temporary supply
 - g) agriculture and horticulture.

1.3.3.2 Restricted flow supply

1. A restricted flow supply is as one where a small continuous flow is supplied by a flow control device across an air gap separation and storage is provided by the customer to cater for demand fluctuations. Restricted flow shall generally only be available to premises within a designated area, or under special conditions set by Council.
2. The supply shall be measured on the basis of an agreed number of water units supplied at a uniform flow rate.

1.3.4 On demand supply

1.3.4.1 Entitlement

1. Every premises may be entitled to an ordinary supply of water, subject to:
 - a) all buildings on the premises lie within a water supply area see 2.5.2 that can receive the minimum levels of service
 - b) exclusion of its use for garden watering and/or any other use under any restrictions made by Council under 1.3.6.1
 - c) payment of the appropriate water supply charges and development contribution fees in respect of that property
 - d) these terms and conditions
 - e) any other charges or costs associated with sub-divisional development having been met.
2. Council shall be under no obligation to provide or maintain an extraordinary supply of water.
3. For extraordinary supplies Council may choose to allocate an amount of water that is the entitlement for that connection.
4. For new extraordinary connections this entitlement may be by way of a developer agreement.

1.3.4.2 Metering

Both ordinary and extraordinary supplies of water shall normally be measured by a meter and charged for in accordance with 1.4.8, alternatively Council may levy rates in accordance with the Local Government (Rating) Act 2002.

1.3.5 Level of Service

Council shall aim to provide water in accordance with the Level of Service contained in the Water Activity Management Plan of Council. Council will make every reasonable attempt to achieve the specified values.

Council retains the right to increase or decrease pressures below normal minimum pressures within a water supply area or any part thereof if it benefits the wider network. No liability is accepted as a result of pressure alteration.

Where works of a permanent or temporary nature are planned which will substantially affect the continuity of an existing supply, Council will inform all known customers.

1.3.5.1 Continuity of supply or increased Level of Service

Wherever practical Council will make every reasonable attempt to notify affected customers of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and this is not practical, Council may shutdown the supply without notice.

If a customer has a particular requirement for an uninterrupted or increased Level of Service flow, pressure or quality, it will be the responsibility of that customer to provide any storage, back up facilities, or equipment necessary to the provision of that Level of Service. Examples of such requirements may include customers using water for renal dialysis, industrial or agricultural purposes or firefighting.

Council does not guarantee an uninterrupted or consistent quality supply of water, or maintenance of an existing pressure which is in excess of agreed current Level of Service, but shall do its best to meet the continuity of supply.

1.3.6 Demand management

The customer shall comply with any water use restrictions which may be approved by Council to manage high seasonal or other demands. Such restrictions will be publicly notified.

Council encourages customers to use water efficiently and to not waste or misuse water. For water saving tips etc visit Council's website. <https://bewaterwise.org.nz/>

1.3.6.1 Emergency

Natural hazards such as floods, droughts, earthquakes or volcanic activity, or accidents which result in disruptions to the supply of water shall be deemed an emergency and shall be exempted from the Level of Service requirements.

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

The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Chief Executive Officer (ref - Extraordinary Meeting of Whangarei District Council 11 February 2020)

1.3.7 Liability

Council shall not be 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.

Without prejudice to the above Council may, under certain circumstances and solely at its discretion, make payments for any loss or damage sustained by the customer where it can be established to Council's satisfaction that such loss or damage was a direct result of a significant variation in the water supply. Any payment made by Council shall be in full and final settlement of any claim the customer may have against Council.

1.3.8 Fire protection connection

1.3.8.1 Connection application

Any proposed connection for fire protection shall be the subject of a separate application to Council for approval. Any such connection shall be subject to the terms and conditions specified by Council.

1.3.8.2 Supply

Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure or maintain existing pressures or flows.

1.3.8.3 Metering

1. In any case where the supply of water to any premises is metered, Council may allow the supply of water for the purposes of fire fighting to be made in a manner which bypasses the main meter, provided however that the drawing of water will only be permitted for fire fighting purposes and where a Council approved backflow prevention device has been fitted on the live connection and the backflow preventer incorporates a detector bypass meter with backflow devices or a main line meter.
2. For a fire connection installed prior to the coming into effect of these terms and conditions which is so constructed or so located that it is likely or possible that water will be drawn from it or from any part of it by any person for purposes other than fire fighting, Council may install a water meter and backflow prevention device suitable for the purpose on such a connection and recover the cost of the work from the owner.
3. Where it is discovered that a dedicated fire line is using water for purposes other than fire fighting the customer shall cease using water through the fire line.

1.3.8.4 Sprinkler systems

Any fire sprinkler system shall be constructed, installed and maintained in good order, and shall be so designed and fixed that water cannot be drawn there from for any other purpose. All sprinkler systems shall have a Council approved backflow prevention device and meter installed at the point of supply. These systems shall be designed to accommodate future reductions in network pressure and flows as a result of increased demands and network alterations.

Water Services recommends that all water sprinkler systems allow space for the future installation of booster pumps should they be required

1.3.8.5 Fire hose reels

In any case where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to a fire protection connection. Any supply feeding a fire hose reel shall have a Council approved backflow prevention device installed at the point of supply.

1.3.8.6 Charges

Water used for the purpose of extinguishing fires will be supplied free of charge. Whenever water has been used for fire fighting purposes and where such supply is metered, the customer may estimate the quantity of water so used, and subject to approval, a sum based on such estimate at the appropriate charge rate shall be credited to the customer's account.

1.3.9 Backflow prevention

1. Notwithstanding the provision of clause 1.4.6:
 - a) All connections to the council supply shall have a backflow prevention device at the point of supply
 - b) Council may require the customer to install a Council approved testable backflow preventer on Council side of the point of supply at the customer's expense
 - c) all fire connections shall have an approved testable backflow prevention device installed on Council side of the point of supply as shown in Figures 7d and 7e at the customer's expense
 - d) all water connections available to shipping shall have an approved backflow prevention device installed on Council side of the point of supply at the customer's expense
 - e) all extraordinary supplies as defined in 1.3.3.1 shall require a point of supply backflow prevention device unless agreed otherwise by Council
 - f) point of supply backflow prevention device shall remain the property of Council, unless agreed otherwise by Council.
2. Council will charge a fee in accordance with targeted rates for water supply as noted in the Long Term Plan or Annual Plan, for the annual inspection and maintenance of such devices and shall also require the customer to maintain the device to be accessible for testing. The fee may be added to the customers' water bill.
3. Where the property owner wishes to retain ownership of a point of supply backflow prevention device written agreement from Council is required. The property owners shall ensure all maintenance and inspection works are undertaken in compliance with Council's requirements. All costs are to be met by the property owners.
4. Any existing ordinary or extraordinary supplies which do not have backflow prevention at the point of supply, or have inadequate backflow prevention shall install a Council approved backflow prevention device as required by Council. All costs are to be met by the property owners.

1.3.10 Meters and flow restrictors

1.3.10.1 Installation

1. 1. Where a customer has an unmetered supply, the customer may request that a meter be provided, and Council shall undertake this work at the customer's expense. These devices shall remain the property of Council.

Where a customer has an unmetered supply, Council may install a meter at the Council's cost and charge the customer based on consumption. These devices shall remain the property of Council. 3. For new ordinary supply connections, meters and restrictors for restricted flow supplies, shall be supplied and installed by Council or their appointed agents at the customer's expense. All new meter installations shall have dual check valve devices within the meter box on the customer side of the meter. The meters and dual check valves shall become the property of Council who shall be responsible for their ongoing maintenance.

1.3.10.2 Location

Meters and restrictors will be located in a position which is readily accessible for reading and maintenance, and if practicable immediately on Council side of the point of supply, see Figure 1.

1.3.10.3 Accuracy

1. The accuracy of meters and restrictors shall be tested as and when required by Council to ensure performance within $\pm 4\%$ of its reading meters, or with $\pm 10\%$ of its rated capacity restrictors.
2. A customer who disputes the accuracy of a meter or restrictor may apply to Council for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy requirement above then the customer will not be charged for the test. If the test shows compliance then the customer shall pay a fee in accordance with Council's current schedule of fees and charges.
3. Meters shall be tested by running a measured quantity of not less than 400 litres through the meter in accordance with BS 5728: Part 3 or OIML R49-2. Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period not less than one hour at its normal operating pressure. A copy of independent certification of the test result will be made available to the customer on request.

1.3.10.4 Adjustment

Should any meter, after being tested be found to register outside the $\pm 4\%$, Council shall make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of Council but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to such an adjustment.

1.3.10.5 Estimating consumption

1. Should any meter be out of repair or cease to register, or be removed, Council may estimate the consumption for the billing period. Council may use previous billing information or similar properties to estimate consumption as agreed with the customer. The customer shall pay the agreed amount.
2. If metering indicates a significant increase in consumption to a premises, which is established as being caused by a previously unknown leak, providing that the customer repairs the leak with due diligence, Council may reassess the account in accordance with current Council policy on the matter.
3. Where the seal or dial of a meter is broken, Council may declare the reading void and estimate consumption as provided above.
4. Where an unauthorised connection has been made to Council's water supply system Council may estimate the consumption for the period from when the connection was made. Council may use the uniform charge for water on a pro rata basis to make the estimation. Where a meter has been installed without approval the meter reading shall be used as the basis for the estimation provided it complies with Council's standards for meters and installations. The full consumption registered on the meter shall be payable by the current owner of the property. Development contribution fees may also be payable. Estimating and charging for water will be in addition to other legal action that Council decides to take for breaches of this bylaw or other acts and regulations. See clause 1.5.

1.3.10.6 Incorrect Accounts

Where a situation occurs, other than as provided for in 1.3.10.5 **Error! Reference source not found.**, 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 Council. Such errors include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorized supplies.

At the discretion of the Water Services Manager a customer maybe granted special payment terms.

1.3.10.7 Unread meters

Where a meter has remained unread for whatever reason, Council may charge for all water registered on the meter or shown since the previous reading.

1.3.11 Restriction or disconnection

The supply of water to any customer may be disconnected or have the flow restricted in some way by Council in the event of:

1. failure to pay the appropriate charges by the due date
2. failure to repair a leak, or in any way wilfully allow water to run to waste or be misused
3. provision of a non approved connection to, or interference with Council supply system
4. the fitting of quick-closing valves such being subject to 1.4.1
5. failure to prevent backflow in accordance with the requirements of clauses 1.3.9 and 1.4.6 of this bylaw
6. failure to install the appropriate backflow prevention device at the point of supply
7. non-compliance with, or breach of, any other requirements of these terms and conditions as detailed in clause 1.5.1 of this bylaw.

1.4 Customer responsibilities

1.4.1 Plumbing system

1. The customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with the Building Act 2004 and the New Zealand Building Code.
2. Quick-closing valves of any kind, or any other equipment which may cause pressure surges to be transmitted, shall not be used on any piping directly connected to the service pipe, that is, in any position where they are required to close against mains pressure. In some specially approved circumstances they may be used, provided a suitable air chamber is fitted in the supply pipe as may be required in the particular case. In special circumstances non-concussive types of valve may be used as approved by Council.
3. In accordance with the New Zealand Building Code the plumbing system shall be compatible with the water supply. It shall be the customer's responsibility to establish any peculiarities or features of the water supply from Council in order to ensure compatibility. No responsibility will be accepted by Council for failure by the customer to make the necessary enquiries.
4. It should be noted that some naturally occurring water chemistries can have a plumbosolvency effect on plumbing systems and hot water cylinders. It is the customer's responsibility to check that equipment being installed is compatible with the water supply in that area. All tap ware shall comply with AS/NZS 3718:2005.

1.4.2 Change of use

Where a change in the end use of water supplied to a property occurs, and/or the supply changes from an ordinary to an extraordinary type refer to 1.3.3 or vice versa, a Public Utility Application shall be required. It is the customers' responsibility to notify Council if backflow prevention is required or if the level of backflow prevention required changes as in accordance with Whangarei District Councils Backflow Prevention Policy and Code of Practice 0020.

A change of use application will not normally incur a fee. However, if an increase in demand is required development contributions may be payable.

1.4.3 Access

1.4.3.1 Point of supply

1. The customer shall allow Council access to and about the point of supply or any meter or backflow prevention device located on private property between 7.30am and 6pm on any day for:
 - a) meter reading without notice
 - b) checking, testing and maintenance work on the meter and/or backflow prevention device with notice being given whenever possible.
2. Outside these hours e.g. for leak detection Council will give notice to the customer.
3. Under emergency conditions the customer shall allow Council free access to and about the point of supply at any hour.

4. Where access is not made available for any of the above and a return visit is required by Council, a fee may be charged for a return visit.

1.4.3.2 Inspection

The customer shall allow Council with or without equipment, access to any area of the premises for the purposes of determining compliance with these terms and conditions.

1.4.4 Council equipment

1.4.4.1 Care of equipment

1. The customer shall take due care to protect from damage Council equipment up to the point of supply, including pipe work, valves, meters, backflow prevention devices and restrictors.
2. Where there is no customer stopcock, or where maintenance is required between the service valve and the customer stopcock, the customer may use the valve on the service line to isolate the supply. However Council reserves the right to charge for maintenance of this valve if damaged by such customer use.

Council gives no guarantee as to the serviceability of the service valve located on the service pipe.

1.4.4.2 Maintenance of access

The customer shall maintain the area in and around the point of supply free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access. No persons shall plant trees or bushes over water lines or within close proximity to a water line such that the roots may cause damage or obstruct access to the water line. Council may remove any trees obstructing or damaging water lines and recover the cost from the owners of the trees. Where a Council maintained water pipeline crosses private land or runs down a shared access way, the owner or owners shall ensure that access to the pipeline is clear and unobstructed at all times for maintenance or repair purposes. The cost of removing obstructions or reinstating extraordinary surface features shall be met by the owners.

1.4.5 Prevention of waste

1. The customer shall prevent and not intentionally allow water to run to waste from any pipe, tap or other fitting. It is an offence to let water run to waste and may result in disconnection or restriction of the supply and or prosecution.
2. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, condensers or any other similar device; unless specifically approved.
3. Using water for single pass cooling or heating systems, or to dilute trade waste prior to disposal is not permitted, unless specifically approved.

1.4.6 Backflow prevention

1. It is the customer's responsibility under the Health (Drinking Water) Amendment Act 2019 and Building Act 2004, to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from Council's water supply from returning to that supply.
2. All point of supply backflow prevention device must comply with AS/NZS 2845 and Council's Backflow Prevention Policy and Code of Practice.
3. For premises covered by the Building Act 2004 customers are to ensure:
 - a) backflow prevention either by providing an adequate air gap separation or by the use of a backflow prevention device which complies with the New Zealand Building Code; and/or
 - b) the prohibition of any direct cross connection between Council water supply and:
 - i) any other water supply potable or non-potable
 - ii) any other water source
 - iii) any storage tank

- iv) any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.
- 4. Customers with supplies serving agricultural or horticultural needs shall comply with the relevant sections of the Health (Drinking Water) Amendment Act 2007 regarding protection of potable water.
- 5. Compliance under the Building Act 2004 does not absolve the property owner from the requirements of the Health (Drinking Water) Amendment Act 2007 for point of supply backflow prevention.

1.4.7 Fire protection supply

1.4.7.1 Fire fighting

Where an unmetered connection has been provided to supply water to a fire protection system (including hydrants) this shall be used for no other purpose than fire system testing or for fire brigade drills conducted under the authority of the Chief Fire Officer with the consent of the WSA. Council reserves the right for backflow prevention devices and water meters to be installed at the property owners' expense for new or existing connections.

1.4.7.2 Adequacy of Supply

It shall be the customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose.

Council reserves the right to increase or decrease the pressures within the network. Council does not accept liability for fire protection systems whose effectiveness is reduced by a change in supply pressure.

1.4.8 Payment

1. The customer shall be liable to pay for the supply of water and related services in accordance with Council current targeted rates for water and schedule of fees and charges.
2. The items included in the schedule, and the terms on which they will be charged may be altered by Council from time to time by:
 - a) by resolution or special order as applicable pursuant to the Local Government Rating Act 2002
 - b) by resolution publicly notified.

1.4.9 Transfer of rights and responsibilities

1. No customer shall transfer to any other party the rights and responsibilities provided for under these terms and conditions.
2. A supply pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property.
3. No customer shall on-sell water drawn from Council supply without a written permission from Council.
4. In particular and not in limitation of the above, any water which a customer draws from Council supply shall not be provided to any other party without the approval of Council.

1.4.10 Change of ownership

In the event of a premise changing ownership Council will automatically record the new owner as being the customer at that premises. Where a premise is metered the outgoing customer shall give Council at least three working days notice in writing to arrange a final reading. A fee in accordance with the special reading fee will be charged. Where a final reading has not been taken on the sale of a property, the new property owner will be liable for payment of all outstanding accounts.

1.4.11 Termination

1. A customer shall give at least three working days notice in writing to Council of their requirement for termination of the supply. All terminations involving permanent disconnections must complete a disconnection application form.

2. Termination shall only be carried out by Council approved contractor and all costs are to be paid for by the applicant.

1.5 Breaches, offences and disputes

1.5.1 Breach of terms and conditions

1. The following may be taken by Council as a breach of these terms and conditions to supply and receive water:
 - a) an incorrect application for supply which fundamentally affects the terms and conditions
 - b) failure by the customer to meet and comply with these terms and conditions
 - c) failure to meet any obligation placed on the customer under all current Acts and Regulations specified in 1.1.2a of this bylaw
 - d) frustration of Council's ability to adequately and effectively carry out its obligations
 - e) an act or omission by the customer of any obligation arising out of any provision in Part 1 and Part 2 of this bylaw such including but not being limited to any of the following:
 - i) failure to pay the appropriate charges by the due date
 - ii) failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused
 - iii) failure to prevent backflow
 - iv) failure to comply with water use restrictions or prohibitions introduced by Council for any specified purpose
 - v) extending by hose or any other pipe a private water supply beyond that customer's property
 - vi) providing water drawn from Council's supply to any other party without approval of Council.

1.5.2 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute an offence. Without prejudice to its other rights and remedies, Council shall be entitled to estimate in accordance with clause 1.3.10.5 of this bylaw 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.

1.5.3 Penalties

1. Any action taken or thing done or omitted to be done in contravention of the terms of this bylaw shall constitute an offence.
2. Council may remove or alter any work or thing that is, or has been, constructed in breach of this bylaw and where any such removal or alteration is undertaken recover the costs of that removal or alteration from the person who committed the breach.
3. Upon conviction for any offence under this bylaw any person so convicted will be liable to the penalties set by the Local Government Act 2002.

2 Part 2 General requirements

2.1 Introduction

Part 2 addresses those matters relating to the supply of water which require enactment by bylaw. It generally covers the overall water supply system, excluding those matters which relate to the actual supply of water to an individual customer. It also defines the parameters of supply for on demand supplies for the purposes of the Local Government Rating Act 2002.

2.2 Types of supply

For the purposes of this part of the bylaw, the types of supply shall be as defined in Part 1, Clause 1.d) 1.3.3.

2.3 Supply system

2.3.1 No person to connect to system

1. No person other than the authorised agents of Council, shall without express approval, make any connection to or otherwise interfere with any part of the water supply system.

2. Any authorised persons working on the water supply must have a valid Blue Card and work in accordance to the requirements of the Water Services Hygiene Code.

2.3.2 Fire hydrants

1. The right to gain access to and draw water from fire hydrants shall be restricted to:
 - a) Council or its agents
 - b) trained fire service personnel for the purpose of fighting a fire or training
 - c) fire hydrant permit holders using Council metered stand pipes during the period for which the permit has been issued.
 - d) water carriers shall only fill from designated filling points as agreed with Council's Water Services Manager.
2. Council reserves the right to revoke permits at Council's discretion. Possible reasons for revoking a permit could include changes to legislation, drought management, misuse of standpipes.
3. Without prejudice to other remedies available, Council may remove and hold any equipment used by any unauthorised person to gain access to, or draw water from, a fire hydrant.

2.3.3 Use of coloured pipe and ducts

Only blue pipe shall be used for new water mains and service pipes. Other services and ducting for other utilities should be generally in accordance with the Guide for Safety with Underground Services issued by the Occupational Safety and Health Service, October 2002. On no account shall blue pipe be used for carrying or ducting any products other than potable water.

2.3.4 Working around Buried Services

Council shall keep accurate permanent as built records of the location of its buried services. This information shall be available for inspection with copies available if required. Charges may be levied to cover the costs of making copies available.

1. Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council services are located in the vicinity. At least 2 days notice in writing shall be given to Council of an intention to excavate in the vicinity of its services.

Where appropriate Council will mark out to within 1m on the ground the location of its services and may nominate in writing any restrictions on the work it considers necessary to protect its services. Council may charge for this service.

2. When excavating and working around buried services due care shall be taken to ensure the services are not damaged and that bedding and backfill is reinstated in accordance with the appropriate Council specification. When drilling or excavating across or close to buried services the service must be exposed by hand digging or vacuum excavation to accurately locate its position. When laying pipes or ducts near to water mains the separations, both vertical and horizontal, as specified in WDC Engineering Standard. Excavation within roadways is also subject to the permit process of the appropriate roading authority.

2.4 Any damage which occurs to a Council service shall be reported to Council immediately with Council reserving the right to charge for all repairs including reinstatement and all Council consequential costs. Protection of supply

2.4.1 Catchment classes

1. Catchment areas from which untreated water is drawn for the purposes of water supply are divided into the following classes:
 - a) controlled

b)restricted

c)open.

2. These may apply to both surface water and/or ground-water catchments.

2.4.2 Controlled catchments

There are no controlled catchments in any of Council's water supplies.

2.4.3 Restricted catchments

The following schedule comprises the restricted catchment areas pertaining to Council's water supplies, and is limited to catchments of water supply dams.

2.4.3.1 Schedule

Wilson's Dam

239.99 ha being Part Allot M42 PSH OF Ruakaka, Lot 2 DP 126620, Part Lot 1 DP 179543, Lot 2 DP 33336, Lot 1 DP 176490, Lot 7 DP 166984, Lot 1 DP 176489, Lot 1 DP 183381, , Lot 9 DP 313809, Lot 5 DP 315046 and Section 3 SO 359862.

Whau Valley Dam

911.02 ha being Allot 38 OF Pukenui , Allot 8 OF Pukenui, Allots 52, 53, 54, NW55, SE55, 56, 58,74, 75, 76 PSH OF Whangarei Pt Allots 56, 74 Whangarei Parish, Lot 2 DP 63280 and Lot 2 DP 463854

Hikurangi Dam

312.69 ha being Pts Allot NE47, Pt Allots NE49, SW49, Hikurangi Parish, Secs 6, 7 and 9, Blk XVI, Hukerenui SD and Lot 2 DP 157301.

Takahiwai Dam

166.09 ha being Lots 1 to 17 DP 208533, Secs 1 and 6 Blk VI Ruakaka SD, Pukekauri 1B1 Blk.

2.4.3.2 Entry

1. No person shall enter a restricted catchment to undertake any of the following activities unless permitted in writing by Council
 - a)camping
 - b)hunting, trapping or shooting of any animals or birds
 - c)boating
 - d)fishing
 - e)bathing or washing of anything
 - f) lighting or maintaining any fire
 - g)taking or allowing to stray, any livestock
 - h)using any pesticide, herbicide or toxic substance for any purpose whatsoever
 - i) damaging or destroying any trees, shrubs or other existing cover or interfering with any building or structure
 - j) taking or draining water unauthorised.
2. In granting any such permit Council may impose such conditions as it may consider necessary and appropriate.
3. Any person entering a restricted catchment must remain on designated walking paths.
4. Council may limit access to t restricted catchment areas if it is deemed necessary.

2.4.4 Open catchments

All other water supply catchments in the District administered by Council are open catchments and no specific controls or restrictions apply. However, in the event of a spillage or other event which has released or is likely to release hazardous substances into the waters of the catchment, Council shall be advised of the details with due urgency. This requirement shall be in addition to those other notification procedures to other authorities which are required.

2.5 Water supply area

2.5.1 Definition

A water supply area is a part of the District within which a supply of water can be made available for all buildings sited within the area.

2.5.2 Detail

1. A water supply area will include an area of 135 metres from all distribution mains, as measured along roads right of ways or access paths, which can be readily serviced with the performance requirements as defined within the Water Activity Management Plan, or as agreed with Council's Water Services Manager.

The Water Supply Areas are:

- Whangarei City (including Hikurangi and Whangarei Heads)
- Bream Bay
- Mangapai
- Maungakaramea.

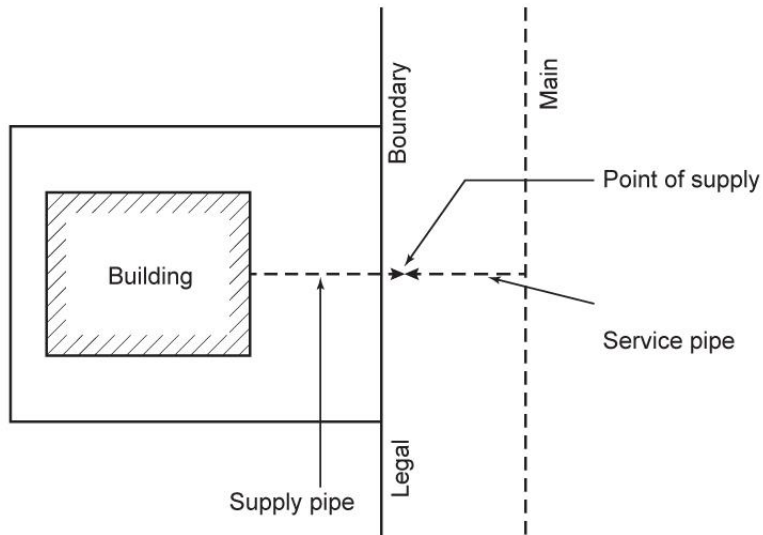
1. The following provisions apply in a water supply area:

- Reticulation system
Distribution watermains provide the fire fighting capability of the network and service customers on one side of the street generally. These are usually 100mm to 200mm diameter.
- Operating water pressure and flows

For existing connection minimum pressure at boundary	25 metres static head minimum water pressure at time of connection.	To be measured at the meter or road boundary, whichever is the lower in altitude as per the bylaw.
For new connections minimum pressure at the building site	25 metres static head minimum water pressure at time of connection.	To be measured at the ground floor of the building envelope.
Maximum pressure at boundary	120 metres static head maximum water pressure.	To be measured at the meter or road boundary, whichever is the lower in altitude.
Minimum flow at boundary	15 litres/minute minimum flow rate of supply for existing properties 20 litres/minute minimum flow rate for all new connections.	To be measured at the boundary on the customers side of the meter.
New Zealand Fire Service	100% compliance with NZ Fire Service Code of Practice for all new developments and all new connections.	Minimum residual pressure at all hydrants should be 10 metres head for all urban and rural areas. All properties to be within 135 metres of a fire hydrant for all urban and rural connections as measured along practical access ways.

The applicant may, similar to subdivisions, extend the distribution watermain thereby extending the water supply area to cover the property in question, and enabling a connection to be granted. To ensure this is the case all service connections are to be perpendicular to the distribution watermain or ridermain.

Figure 1. Point of supply single dwelling unit

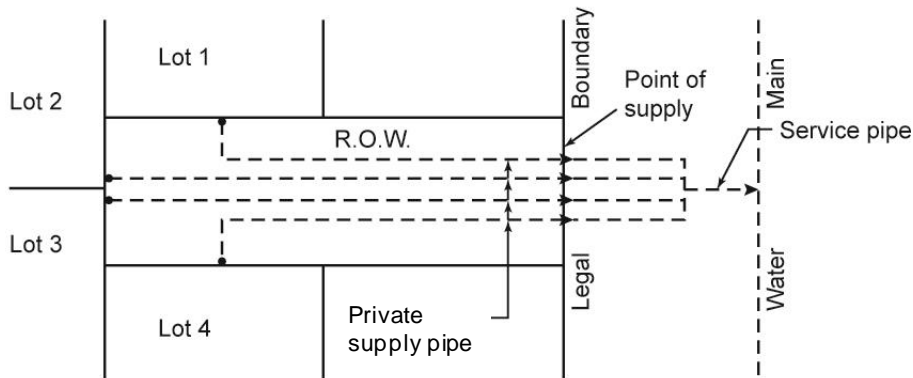


See Figure 7a, 7b or 7c for fitting detail

WDC81849

Figure 2. Point of supply multiple dwelling units

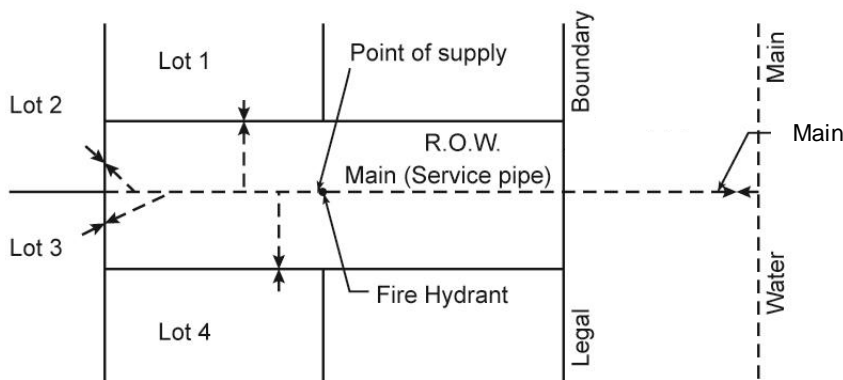
2a Private connections



Multiple connections in rights of way in joint private ownership

See Figure 7a, 7b or 7c for fitting detail

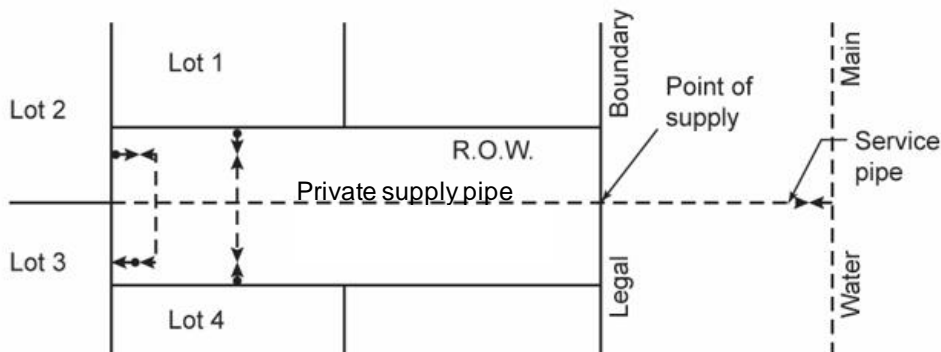
2 b Public connections



Applies only to service pipe accepted by WDC as public main (easement required). The point of supply is the last Fire Hydrant in the right of way unless otherwise approved.

See Figure 7a, 7b or 7c for fitting detail

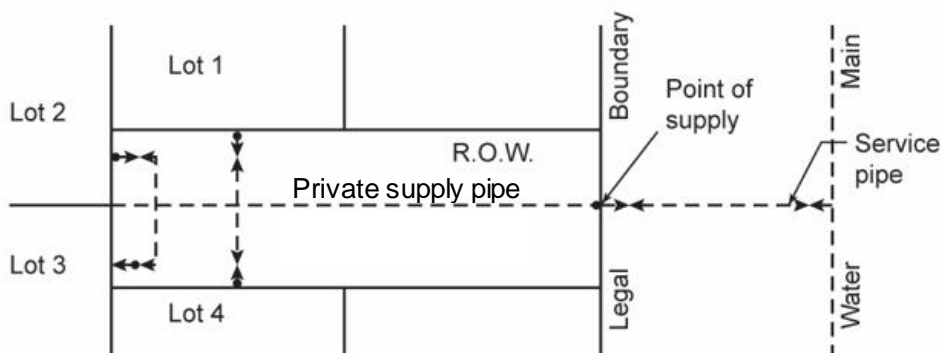
WDC 8184-10

Figure 2. Point of supply multiple dwelling units
2c Existing mains in private ways


Connections in rights of ways in private ownership. Council will retain ownership and maintain the water meters. The supply pipes within the right of way are owned and maintained by property owners.

See Figure 7a, 7b or 7c for fitting detail

WDC 8184-11

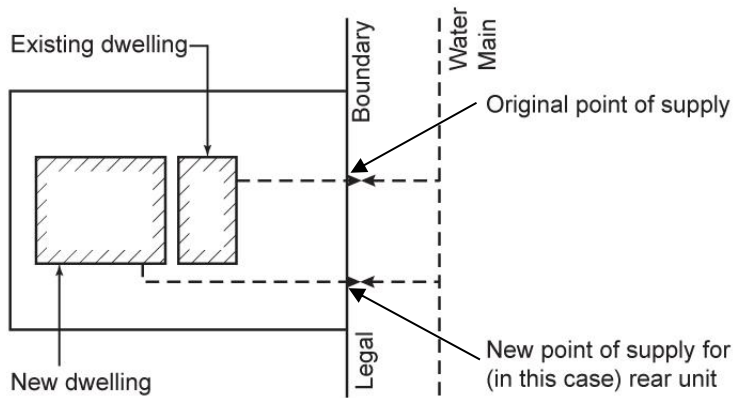
2d Existing parent and child metering arrangements


This arrangement is permitted only for existing parent and child situations. New connections shall be as per Figure 2a or 2b.

See Figure 7a, 7b or 7c for fitting detail

WDC 8184-11 |

Figure 3. Point of supply cross leases



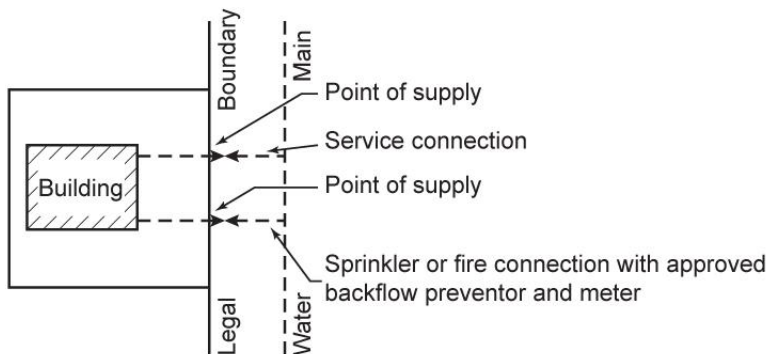
Where additional units are being built, additional points of supply will be required in such a position as to facilitate future subdivisions.

See Figure 7a, 7b or 7c for fitting detail

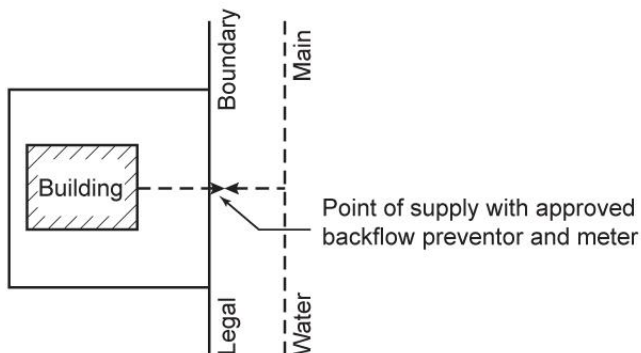
WDC8184-5

Figure 4. Point of supply commercial connections

4a Single ownership/multiple occupation (e.g. highrise or apartment block)

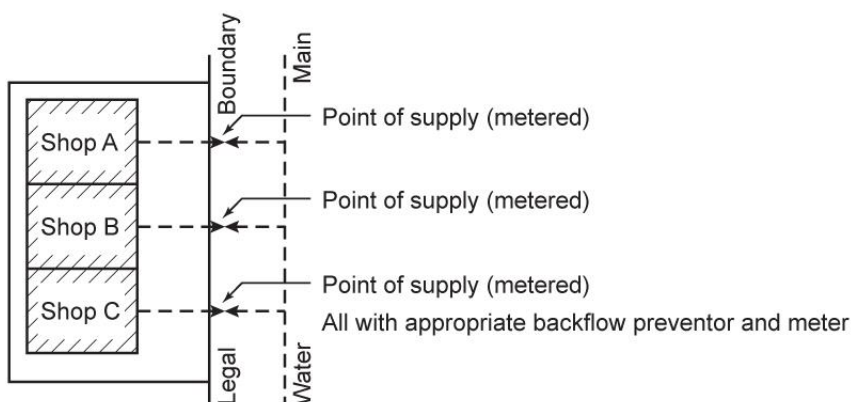


4b Commercial premises (single building)



Generally one point of supply at boundary. Metered consumption charged to property owner or uniform charge levied for each shop if in a multiple ownership and not separately metered.

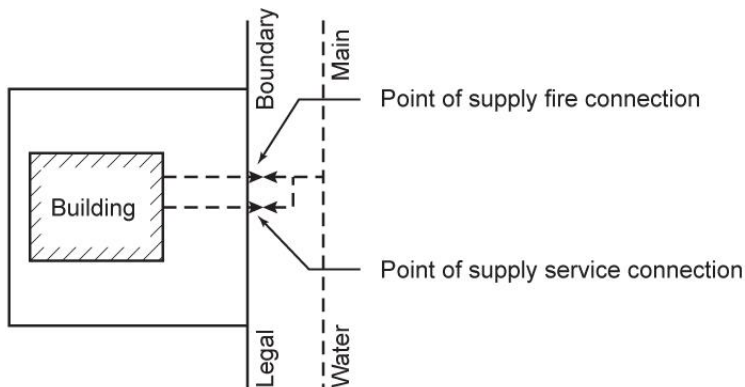
4c Commercial premises (multiple buildings)



For 4a, 4b and 4c see Figure 7 for fitting detail

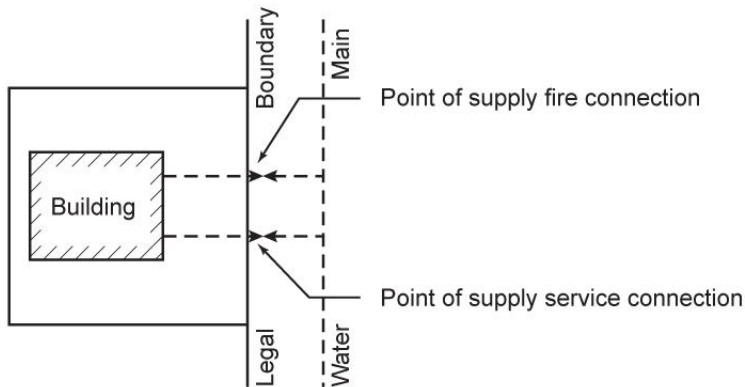
WDC8184-6

Figure 5. Point of supply industrial/commercial connections
5a Combined fire and service connection



See Figure 7d for fitting details

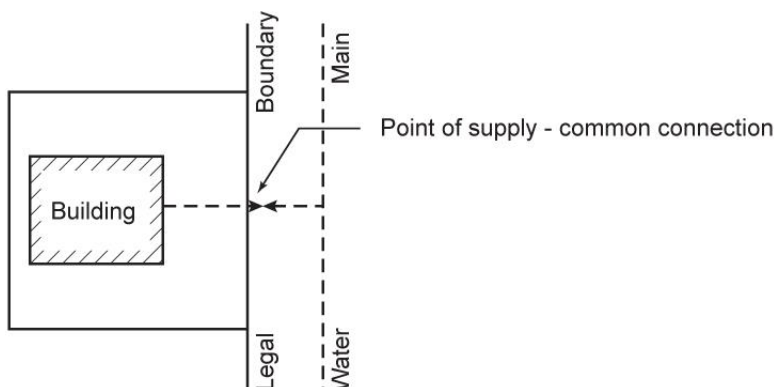
5b Separate fire and service connections



See Figure 7f and 7g for fitting details

WDC8184-1

Figure 6. Point of supply industrial/commercial connections
Common fire and service connection



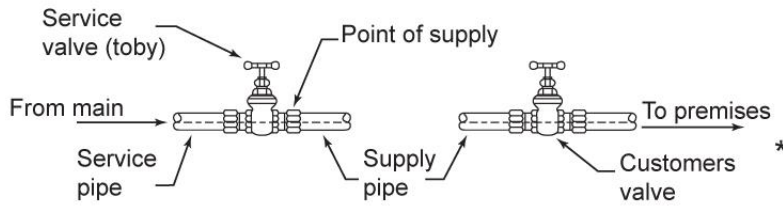
This arrangement is permitted only for existing common connections. All new connections to be as per Figure 5.

See Figure 7e for fitting details

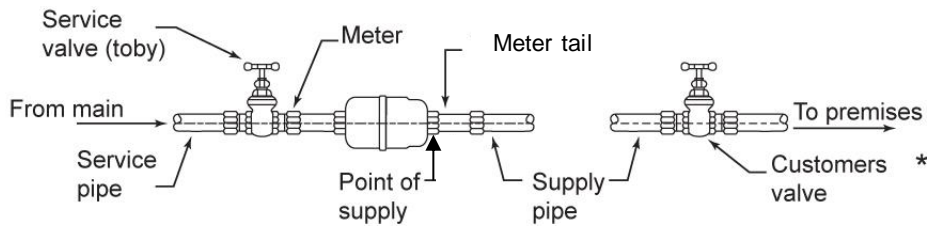
WDC8184-2

Figure 7. Examples of fitting details showing point of supply

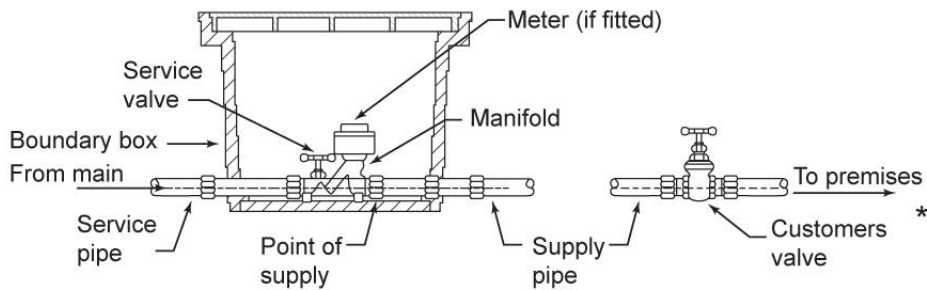
7a Domestic unmetered supply



7b Domestic metered supply



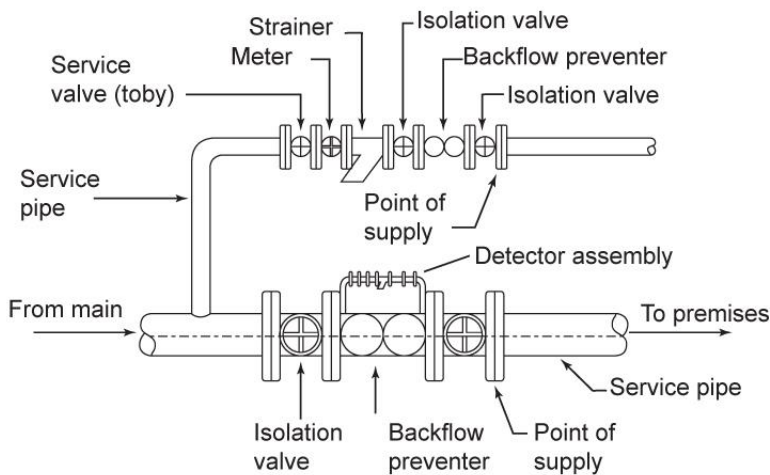
7c Manifold assembly at boundary box



* As provided for in N.Z. Building Code approved document G12/AS1

WDC8184-7

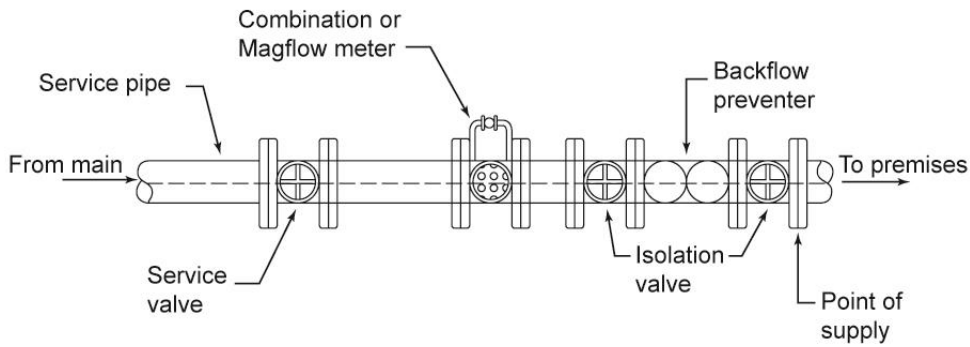
7d Separate fire and metered service connection with common line from main



WDC8184-8

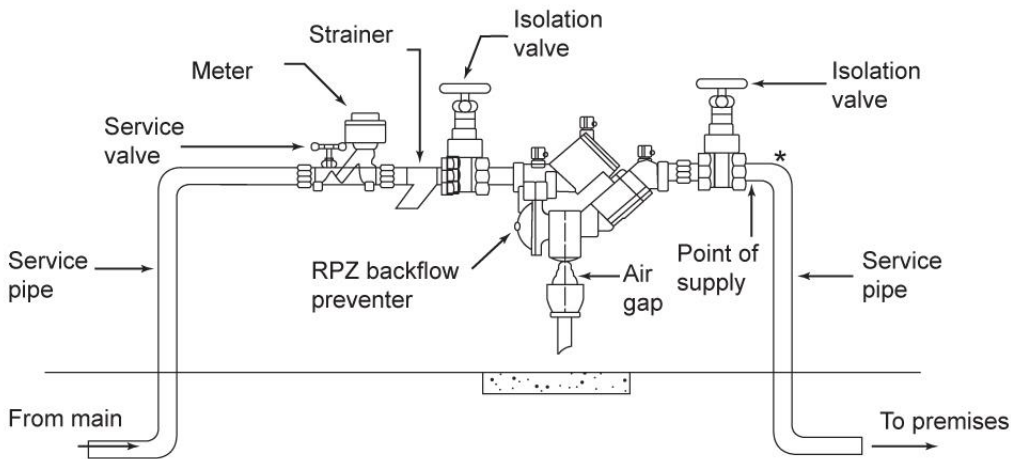
Figure 7. Examples of fitting details showing point of supply

7e Common fire and metered service connection



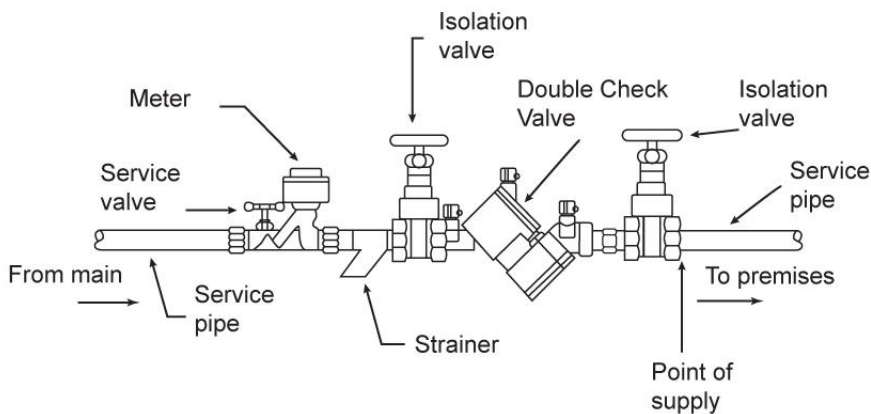
WDC8184-8

7f Metered supply with reduced pressure zone backflow preventer (RPZ)



WDC8184-3

7g Metered supply with double check valve backflow preventer



WDC8184-4