



# **OTOROHANGA DISTRICT WATER SERVICES BYLAW 2013**

# CONTENTS

1.	Short Title .....	1
2.	Interpretation.....	1
3.	Discharges to the Public Stormwater System.....	2
4.	Discharges to the Public Sewer System.....	3
5.	Responsibility Boundaries – Private and Public Water Services.....	3
6.	Private Water Services Reticulation .....	4
7.	Connection to Public Water Services .....	5
8.	Extraordinary Water Services.....	5
9.	Protection of Public Water Services .....	6
10.	Private Water Services - Maintenance Responsibilities.....	7
11.	Water Use Restrictions .....	8
12.	Offences and Penalties .....	8
13.	Other Requirements.....	8
14.	Revocation.....	8
	RESOLUTION.....	9

## APPENDICES:

Appendix 1	Policy for Building Over Services Reticulation.....	10
------------	---	----

# OTOROHANGA DISTRICT WATER SERVICES BYLAW 2013

In pursuance and exercise of the powers vested in it by Part 8 of the Local Government Act 2002, the Local Government Act 1974, the Bylaws Act 1910, and any other Act or Authority it thereto enabling the Otorohanga District Council **MAKES AND ORDAINS THIS BYLAW.**

A Bylaw to:

Impose controls on the definition, creation, operation, maintenance and modification of urban networks for supply of potable water and drainage of sewerage or storm water.

## 1. **SHORT TITLE**

This Bylaw shall be cited and referred to as the “Otorohanga District Water Services Bylaw 2013”.

## 2. **INTERPRETATION**

In this Bylaw, except where inconsistent with the context:

**“COUNCIL”** means the Otorohanga District Council;

**“ENGINEERING MANAGER”** means any person appointed from time to time by the Otorohanga District Council to be its Engineering Manager;

**“OTOROHANGA DISTRICT”** means the area known as the Otorohanga District comprising the area delineated on Plan SO 58012 deposited with the Chief Surveyor of the South Auckland Land District and as may be amended from time to time by due legal process;

**“POLLUTANT”** includes any matter that, when added to or mixed with any natural water will contaminate the water so as to change the physical or chemical condition thereof in such a manner as to:

- (a) Make the water significantly unclean, noxious or impure; or
- (b) Be detrimental to the health, safety or welfare of persons using the water; or
- (c) Render the water undrinkable to farm animals; or
- (d) Be poisonous or harmful to animals, birds or fish around or in the water; or
- (e) Have a significant adverse effect on the drainage works or receiving waters to which the storm water is discharged; or
- (e) Have potential to result in non-compliance with the conditions of resource consents held by Council for the discharge of storm water;

and includes any solid or liquid excrement matter, waste water, sewage tank effluent, fertiliser, petrol, sediment, oil, paint or detergent that may cause such effects.

**“PUBLIC WATER SERVICES NETWORK”** means any pipe, drain, drainage channel or other facility used for the supply, collection or treatment of potable water, sewerage or storm water within or to the urban communities of Otorohanga and Kawhia where such pipes, drains, drainage channels or other facilities satisfy one or more of the following criteria:

- a) Are vested in or under the control of Council, and which serve more than one freehold lot; or
- b) Are within legal road reserve or other public places, and have been so placed with the approval of Council (unless there is written evidence of previous agreement that such elements will continue to be privately owned and maintained); or
- c) Have been subject to the control of Council for not less than 20 years; or
- d) Are drains or drainage channels declared to be public drains under section 462 of the Local Government Act 1974.

**“PRIVATE WATER SERVICES NETWORK”** means any pipe, drain, drainage channel or other facility used for the supply, collection or treatment of potable water, sewerage or storm water in the urban communities of Otorohanga and Kawhia that does not satisfy the criteria for classification as part of the Public Water Services Network;

**“PUBLIC SEWER SYSTEM”** means the public water services network provided by Council for the purpose of collecting and treating wastewater;

**“PUBLIC STORMWATER SYSTEM”** means the public water services network provided by Council for the purpose of collecting, treating and discharging storm water;

**“RETICULATION”** includes any pipe, drain, manhole, valve, chamber or other feature that forms part of, or is connected to a public water services network;

**“STANDARD OF PUBLIC SERVICES”** means those technical standards in relation to water services contained within the current versions of the Hamilton City Council Development Manual and the associated Rural Supplement;

**“STORMWATER”** means any surface water, ground water, subsoil water, artesian water and rainwater and water emanating from a drain, stream, river, lake, estuary or sea and where so designated by the Council, condensing water or cooling water, but excludes wastewater;

**“WASTEWATER”** means contaminated water or other liquid, including waste matter in solution or suspension or other pollutants, discharged from a premises.

### **3. DISCHARGES TO THE PUBLIC STORMWATER SYSTEM**

Unless authorised by Council no person shall:

- (a) Cause, permit or suffer any pollutant, noxious or offensive matter to be discharged to the public storm water system or to any drain connected to the public storm water system;
- (b) Cause or permit or suffer any steam, or any other matter (solid or liquid) at a temperature higher than 50°C to be discharged to the public storm water system or to any drain connected to the public storm water system.
- (c) Cause, permit or suffer any pollutant, noxious or offensive matter to be stored, transported, handled or used in a way that does not adequately protect against the potential entry of those materials into the public stormwater system.

#### **4. DISCHARGES TO THE PUBLIC SEWER SYSTEM**

Unless authorised by Council no person shall:

- (a) Cause or permit any clean water from a water pipe, other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter the public sewer system or a drain connected to the public sewer system, unless such water is from an activity which existed before 1 January 2007, and for which there is, in the opinion of Council's Engineering Manager, no practical alternative means of disposal to the public stormwater system or soakage.
- (b) Cause or permit any discharge to the public sewer system or a drain connected to the public sewer system which displays any of the following characteristics, unless the discharge has been authorised by a permit issued under Council's Trade Waste Bylaw:
  - (i) A 24 hour total flow volume exceeding 1m<sup>3</sup>
  - (ii) A maximum instantaneous flow exceeding 2 litres per second
  - (iii) A temperature in excess of 50°C
  - (iv) pH outside the range 5.0-10.0
  - (v) A free or floating layer of oil, grease, solvent or other organic liquid
  - (vi) Any emulsions of paint, adhesive, rubber or plastic.
- (c) Cause or permit any hazardous or harmful materials or to be stored, transported, handled or used in a way that does not adequately protect against the potential entry of those materials into the public sewer system.

#### **5. RESPONSIBILITY BOUNDARIES – PRIVATE AND PUBLIC WATER SERVICES**

- 5.1 Boundaries for the responsibilities of Council ('Public') and property owners ('Private') in respect of water services reticulation shall be defined as follows, unless approval for alternative arrangements is provided by Council in writing, or is clearly recorded on Council's water services plans:

- a) Where a property connects to existing public water services reticulation which is on Council controlled land, the boundary of public / private responsibility shall be at the boundary between the property and the adjacent Council controlled land , or as close to this point as possible where existing fences, walls or other permanent structures make it difficult to locate at the required position, except that where the length of pipe or drain on the Council controlled land required to make connection to the existing public water services reticulation exceeds 15 metres, the position of the boundary of public /private owner responsibility may be otherwise determined by Council's Engineering Manager, based upon consideration of previous agreements and assessment of the appropriateness and practicality of a length of reticulation on Council controlled land being in private ownership.
- b) Where the property connects to public water service reticulation inside that same private property or on other private property not controlled by Council, the boundary of public/private responsibility shall be the end of the pipe fitting which forms the junction with the public pipeline or manhole that is furthest away from the public pipeline, or in the case of an open drain, at the outside edge of the public open drain channel.

5.2 Where the water service in question is stormwater or wastewater, the position of the defined public/private responsibility boundary will be considered the Point of Discharge from that property in respect of stormwater or wastewater. Unless otherwise approved by Council there shall be only one point of discharge for each such service on any particular premise.

## **6. PRIVATE WATER SERVICES RETICULATION**

Where any new private water service reticulation is constructed, or where the land containing existing private water services reticulation is subdivided, or where any other development of property containing existing private water services reticulation occurs, all such reticulation shall only pass through land under the same title as that reticulation is intended to serve, or Council controlled land (if so approved by Council in writing, and to which conditions may be attached) unless easements and maintenance agreements to the satisfaction of Council are established for the section(s) of reticulation on the other adjacent land which ensures that such reticulation can continue to be effectively used and maintained by the parties receiving the water services, notwithstanding that Council may require that new reticulation is installed to the standard of public services which will enable this reticulation to be vested in Council if:

- a) The function of those particular sections of private reticulation are to be shared between four (4) or more individual titles; or

- b) Future division of responsibility for private reticulation currently within the same title appears likely (for example where multiple dwellings are constructed with potential for future cross-lease).

## **7. CONNECTION TO PUBLIC WATER SERVICES**

7.1 No person may make a connection to, or otherwise interfere with, the public water service network without prior approval of the Council and:

- (a) The Council will only consider whether to approve a connection to a public water service network following receipt of a properly completed standard Council application form.
- (b) The Council may refuse connection to, or other work on, the public water service network.
- (c) If approval for the connection to or other work on the public water service network is given, this will be subject to any terms and conditions, including payment of any fees or charges, attached to that approval.
- (d) Failure to comply with any of the terms and conditions associated with an approval given under section 7.1(c) of this Bylaw will constitute interference with the public water service network without prior approval and is a breach of this Bylaw; and
- (e) Any such connection or interference shall be carried out under the supervision of the Council by a qualified tradesman whose capability to undertake such work is to the satisfaction of Council's Engineering Manager.

7.2 Council may require a connection to the existing public water services network to be made at a higher standard suitable for it to become part of the public network that could also be used to facilitate delivery of services to other properties. In such cases Council would make a contribution towards the cost of installing the higher standard connection.

7.3 An as-built plan showing the new connection shall be provided to the Council within seven (7) days of installation and acceptance by the Council of the connection.

## **8. EXTRAORDINARY WATER SUPPLY**

The following circumstances will be considered to constitute cases of 'extraordinary' potable water supply for which water metering and associated charging for water taken from the public water supply network will be applicable:

- a) All premises outside the Otorohanga and Kawhia Communities which are connected to and draw water from the public water supply networks serving those communities, excluding those premises within the defined area of the Waipa Rural Water Supply Scheme; and

- b) All premises within the Otorohanga or Kawhia communities used for commercial, industrial or agricultural purposes, and schools, clubs and other non-residential premises where levels of water consumption would be expected to be significantly higher than that of a typical residential property.
- c) All premises from which Council-supplied water is known to have been supplied to other premises in a manner than will result in the total applicable Council water charges being avoided or reduced. Where different classes of metered water charges exist within a particular community (for example fixed per cubic metre charges and a separate scheme of Peak Season charges) the class(es) of charges that shall be applicable to the premises supplying water in these circumstances will be the highest of those applicable to either the supplying or receiving premises. Council staff may enter into properties to investigate potential water charge avoidance where this is considered appropriate. Parameters that will be considered as evidence of charge avoidance may include observations of physical transfer of water or pipework intended for that purpose, inappropriately low water meter readings and/or chemical data relating to the water that is inconsistent with the claimed source.
- d) Premises which have been observed to have continued to waste water, despite previous requests by Council staff to address such wastage.

## **9. PROTECTION OF PUBLIC WATER SERVICES**

- 9.1 No person shall carry out any excavation or other work in the vicinity of the public water services network so as to damage or de-stabilise or be likely to damage or de-stabilise the infrastructure or adversely affect its operation.
- 9.2 Buildings (including decks) shall not be constructed over any element of the public water services network without the written approval of Council. Applications for permission to build over public pipes or drains will be assessed based upon Council's policy for building over services reticulation, a copy of which is attached to this Bylaw as Appendix 1.
- 9.3 Any damage or blockage of the public water services network affecting or likely to affect the efficient operation of that network shall be reported to the Council immediately.
- 9.4 No person shall, without prior written approval from the Council:
  - (a) Remove any existing cover material or place any additional material over or near any element of the public water services network; or
  - (b) Cause, permit or suffer the entry into any public stormwater or sewer pipe or drainage channel of any earth, stones, sand, silt, refuse or material except such matter as is normally discharged through a house drain;



- (c) Enter any pipe, reservoir, pumping station, water treatment area or sewage treatment area that forms part of the public water services network;
- (d) Operate, remove or interfere with any cover of any manhole, chamber, valve, inlet, outlet or other element of the public water services network;
- (e) Damage, interfere with or cause to be inoperative any pipe, valve, machinery, instrumentation or plant that forms part of the public water services network;
- (f) Obstruct, impede, or cause to be impeded the flow or interfere with the free discharge of any public storm water drain or sewer;
- (g) Cover, or allow to remain covered, any Council or privately owned valve chamber, manhole, silt trap, grease trap, or similar structure to which access is required for the efficient operation of that particular water service. If the level of the ground adjacent to such a structure is raised above the top of the structure and in the opinion of the Council access to or use of the structure is impeded thereby, then the property owner shall either raise the top of the structure to the new ground level or make other approved provision to provide the necessary access to the structure;
- (h) Lay any public or private utility service or private drain:-
  - (i) Along the line of an existing public water service; or
  - (ii) Within a parallel distance of two metres from the nearest part of any public water service or such greater distance as may be specifically required by Council;
  - (iii) Excavate, or carry out piling or similar work closer than 2 metres from the nearest part of any public water services network.

## **10. PRIVATE WATER SERVICES - MAINTENANCE RESPONSIBILITIES**

10.1 The construction, maintenance and renewal of any element of a Private Water Services Network shall be the responsibility of the owner(s) or occupier(s) of the premises served by those services.

The following provisions (10.2 to 10.4) shall apply only to Private Water Services Networks which receive water from or discharge water to a Public Water Services Network:

10.2 Where any private drain becomes blocked, or there is significant leakage from any private water supply pipe the owner(s) or occupier(s) of the premises served by these services shall remedy the blockage or leakage immediately.

If immediate arrangements are not made to remedy the blockage or leakage Council may serve notice on all owners or occupiers of the premises to have the blockage or leakage remedied within twenty four (24) hours of the issue of that notice.

10.3 Where there is failure to comply with such a notice issued in accordance with section 10.2 of this Bylaw, Council may cause a blocked private drain to be cleared or water leak to be repaired, and may recover the cost of such work from the owner(s) and/or occupier(s) of the premises served with the notice.

10.4 The owner of any premises within which there are disused private water service pipes, drains or other facilities shall arrange for such services to be disconnected and sealed in an approved manner at the time that those items become disused.

## **11. WATER USE RESTRICTIONS**

Council may impose such temporary restrictions on the use of Council supplied water as it considers appropriate during times of high demand. Notice of such restrictions, identifying the nature of the restriction(s) and period during which the restriction(s) will be effective shall be published in the local press not less than two days before the restriction(s) comes into effect.

The first and second instances of observed non-compliance by a particular property within a particular water use restriction period will be addressed by issue of written notices requesting compliance. If a third instance of non-compliance is observed on that same property within that same restriction period this will be considered to be wastage of water and appropriate measures will be taken to restrict the supply of water to that property under the provisions of the Local Government Act 2002. Such measures may include classification of the supply of water to the property as 'Extraordinary' in accordance with section 8(d) of this Bylaw, which will result in metered water charges becoming applicable to that property.

## **12. OFFENCES AND PENALTIES**

Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000 or as set out in Section 242 of the Local Government Act 2002.

## **13. OTHER REQUIREMENTS**

The provisions of this Bylaw do not remove the need for any consent required under the Resource Management Act 1991 or the Building Act 2004 and do not provide relief from responsibility for compliance with all other relevant statutes, regulations and bylaws.

## **14. REVOCATION**

The Otorohanga District Water Services Bylaw (amended June 2009) is hereby revoked.

**THE RESOLUTION BY WAY OF SPECIAL CONSULTATIVE PROCEDURE TO MAKE THIS BYLAW** was passed by the **OTOROHANGA DISTRICT COUNCIL** at a meeting of the Otorohanga District Council held on 29 October 2013 and confirmed at a subsequent meeting of the Council held on 17 December 2013, by a resolution passed by the Council on the 17 December 2013 the said Bylaw was ordered to come into effect on 17 December 2013.

**The Common Seal of the  
OTOROHANGA DISTRICT COUNCIL**

was set and affixed pursuant to a resolution passed  
by Council on 17 December 2013 in the presence of:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive

## **Policy for Building over Services Reticulation**

Note: This is provided for information only and does not form part of the Bylaw

### **1. General Principles**

Council owned pipes carrying water, storm water and wastewater are provided for the benefit of the associated community, and in some cases these pipes cross private properties.

In almost all cases such 'public' pipes that serve multiple properties have a legal right to be where they are, that is either created by registration of an easement for that purpose, or through a process of 'statutory easement' whereby such legitimately constructed infrastructure that has been in place for an extended period without any objections being raised becomes entitled to remain there, and to be accessed as necessary.

Construction of permanent, privately owned structures over existing public water, sewer or stormwater services reticulation (pipes or drains) in the Otorohanga and Kawhia Communities is considered by Council to be disadvantageous in two respects:

- i. The cost associated with future maintenance or renewal of reticulation beneath such structures is likely to be substantially higher than would otherwise be the case.
- ii. There is potential for future conflict with or between property owners or occupiers if it is necessary to remove or otherwise substantially interfere with overlying structures to carry out essential reticulation maintenance or renewal work. For example, if a large buried pipe fails in a central position under a house the only practical means of remedying it may be to remove the house, which would obviously be hugely disruptive to its residents, and is likely to be strongly opposed.

Because of this Otorohanga District Council actively discourages building over such reticulation, and in general construction of any new privately owned structure of a type that requires a building permit will not be permitted within 1.5 metres of any public water, sewer or storm water reticulation.

It is however recognised that in some cases an absolute prohibition of building over all such pipes may unreasonably limit the use of land, and that in some cases options should be provided to enable building over pipes provided that specific conditions are met that mitigate the disadvantages identified above.

It is however stressed that the provision of these options is not intended to free property owners of any burdens that may be associated with the presence of public pipes on their land, and in all cases the exercise of these options is likely to have a significant cost (in most cases expected to be at least \$3,000, and potentially much more) which must be met by the property owner.

The options that are provided for building over pipes are also only applicable to storm water and waste water (sewer) pipes in which flow is gravity driven.

No permissions will in any case be given to build over any public pressurised water services since it should always be possible for these services to be re-routed in a manner than avoids the need to have structures over them. Where such re-routing is undertaken the property owner will be required to meet all associated costs, which may include the registration of an easement for the re-routed section of pipe.

Finally it should also be noted that Council can only give approval in respect of building over Council owned reticulation. Issues relating to building over 'private' reticulation (other services or pipes and drains which serve a single property or otherwise fail to meet the criteria required for 'public' classification) must be resolved between the owners of the relevant properties and reticulation.

## 2. Conditions for Building over Council owned Reticulation

Building over Council owned sewer or storm water reticulation will only be permitted where all of the following conditions (a to f) are met and associated works are conducted to standards that are to the satisfaction of Council's Engineering Manager:

- a) The flow in the pipe is motivated by gravity, not external pressure.
- b) The proposed structure is of a form and design such that the loads imposed by the structure on the in-situ reticulation are considered by Council's Building Inspector and/or Engineers to be sufficiently low as to pose no threat to the structural stability of the reticulation. Factors to be considered by Council staff in making such an assessment will include ground conditions, the diameter, materials, and burial depth of the reticulation and the size and design of the structure and the form of load-bearing foundations. Council may request that an engineering report on these issues is provided by the applicant.
- c) Arrangements are made to ensure that future maintenance and renewal of the pipe is not compromised by the presence of the proposed structure, through one of the following 3 methods:

**Method 1:** Applicable to sections of sewer or storm water pipes without changes in direction or junctions, for which an agreed viable alternative alignment for those pipes exists within that property which could be utilised for a future replacement of these pipes:

- If the reticulation in question is assessed by Council Engineers on the available information to have a likely remaining serviceable life of less than 30 years, then the entire section of reticulation that exists within 1.5 metres of the proposed structure shall be renewed, to appropriate standards defined by Council, and;
- Manhole(s) or (if acceptable to Council's Engineering Manager) rodding eye(s) shall be installed within 20 metres of the proposed structure on the downstream side, unless suitable access point(s) to the reticulation in question already exist within this proximity. These manholes or rodding eyes shall be maintained in a readily accessible state
- An easement is registered in favour of Council for the alternative future alignment of the pipe.

It should be noted that where this method is proposed, and it is judged necessary to renew the existing pipes, it may be more appropriate to immediately install a pipe along the alternative alignment.

**Method 2:** Applicable to sections of public sewer or storm water pipes without changes in direction or junctions:

- If the reticulation in question is assessed by Council Engineers based on the available information to have a likely remaining serviceable life of less than 30 years, then the entire section of reticulation that exists within 1.5 metres of the proposed structure shall be renewed, to appropriate standards defined by Council, and;
- Any structure constructed above the pipes shall be designed in a way that permits the entire length of pipe below to be readily exposed for maintenance or replacement. Where the external diameter of the pipe is greater than 300mm diameter the design and use of the structure must be such that a 12 tonne excavator and trucks could readily gain access along the line of the pipe for the purpose of undertaking such works. Where the external diameter of the pipe is

300 mm or less the design and use of the structure must be such that an appropriately sized excavator could readily gain access along the line of the drain for the purpose of undertaking such work, or (where the depth of cover over the pipe is less than 1 metre) appropriate access is available for hand digging, and;

- Any floor constructed over the pipe has removable lift out sections suitable for facilitating access to the pipe.

Making the structure removable may be considered to meet the above requirements in respect of design for this method provided that such removal is very straightforward and/or responsibility for the property owner to arrange and meet the costs of this is clearly defined through a legal encumbrance.

**Method 3:** Applicable to sewer or storm water pipes of 225mm diameter or less without changes in direction or junctions, and for which the length of pipe to be built over is not more than 12 metres.

- The length of pipe or drain to be built over is re-laid using a length of pipe that contains not more than one joint, sleeved inside an appropriately laid and properly bedded Z class concrete pipe with an internal diameter that is at least 50mm greater than the external diameter of the pipe that will be inside it, in such a way that the internal pipe can be readily replaced within the sleeve, and;
  - To ensure that the sleeved pipe is readily replaceable there must be continuing easy access to both ends of the section of built-over pipe to facilitate connection and disconnection, including a length of clear open and unobstructed space at one end of the sleeve that is not less than half of the length section of pipe that is being built over plus 1.0 metre, to accommodate the internal pipe prior to insertion or for subsequent replacement.
- d) A legal encumbrance is placed on the title of the property that absolves Council of any responsibility for additional costs, damage or disruption that may occur if current or future owners of the property fail to ensure continuing compliance with the relevant requirements of section 2c that compromise the ability Council to undertake repairs or replacements of the sections of covered pipes.
- e) All physical works undertaken to meet the requirements of the methods outlined in section 2c must be undertaken by a relevant Council approved contractor or a party who has been formally approved by Council as being competent to undertake the works to the standards expected for public reticulation.
- f) The applicant shall be responsible for all works, services and costs associated with the requirements of sections 2a, 2b, 2c and 2d.
- g) The applicant shall make a formal application to Council, fully identifying the section of pipe that is proposed to be built over, the form of the proposed structure including foundation details, and which of the methods outlined in section 2c of this policy will be adopted.

A fee based on the actual time spent by Council Staff shall be payable to Council for the processing of this application.

Physical works towards the building over of the pipe shall not commence until a formal approval is granted in writing.

### **3. Council Acceptance of Responsibility – Future Works**

Approval by Council for over-building of sections of publicly owned reticulation under this policy shall be given in writing, and will be taken to be an acceptance by Council of the financial responsibility for future maintenance or renewal works relating to those sections of reticulation, providing that the agreed conditions of section 2c have continued to be met.

Written approvals for over-building shall be included in the information kept by Council in relation to the relevant properties.

#### **4. Unapproved Build Overs**

Where built structures are constructed over Council pipes without Building Consents and associated build-over approvals Council will accept no financial or other liability in relation to disturbance or damage to the structure that may result from Council carrying out its normal duties in respect of the relevant reticulation under the Local Government Act. This provision shall apply to any non-consented building constructed after 6 September 2016.

Structures will be required to be removed if access is required to the pipe for maintenance, repair or renewal. All such structures, including those that do not require a Building Consent, should therefore be constructed in a form that makes them readily removable.

Council will accept no responsibility for costs that may be associated with the removal, repair, reinstatement or replacement of such structures, with the exception that where a section of a driveway for essential access to a garage on the property and an associated vehicle 'turn-around' area has to be excavated to obtain access to the pipe, Council will reinstate at its own cost the excavated section of driveway at the completion of works to the general standard that is being applied for such works.

This exception shall however be limited to an extent that is deemed reasonable for essential access to a first garage. Where the extent of the surfaced area is substantially larger than that required for essential purposes, Council may only take responsibility for reinstating part of the area that may be excavated.

#### **5. Construction of New Public Reticulation on Private Property**

In cases where it is necessary for Council to construct new public sewer or storm water reticulation through private property it may, if appropriate, enter into agreements with property owners to provide partial exemption from the requirements of this policy.

Such agreements shall however only be entered into with the approval of the relevant Community Board, and shall be limited to the greatest practical extent.

Such agreements shall be recorded in writing and included in the information kept by Council in relation to the relevant properties.

#### **6. Over-Building of Private Reticulation**

Council also discourages construction of permanent, privately owned structures over existing water, sewer or storm water reticulation of a private nature because this also has potential to result in conflicts or increased costs in the future.

Council does however believe that the responsibility for the control of such construction over privately owned reticulation lies entirely with the owners of the private property and reticulation concerned, and Council will accept no liability whatsoever in respect of any issues that may arise as a result of structures being built over 'private' reticulation.

#### **Further Information**

Should you require further information, or wish to discuss this policy, please contact Council's Services Staff at 07 873 4000.

Approved by the Otorohanga Community Board  
25 August 2016