

## **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