



## Otorohanga Community Board

# AGENDA

6 September 2016

3.00pm

Members of the Otorohanga Community Board

Mr R Prescott (Chair)  
Mr NS Chetty  
Mrs EM Cowan  
Mrs AC Laws  
Mr PD Tindle  
Mr DR Williams

Meeting Secretary: Mr CA Tutty (Governance Supervisor)

# OTOROHANGA COMMUNITY BOARD

6 September 2016

Notice is hereby given that an additional meeting of the Otorohanga Community Board will be held in the Council Chambers, 17 Maniapoto Street, Otorohanga on Tuesday 6 September 2016 commencing at 3pm.

31 August 2016

**DC Clibbery**  
**CHIEF EXECUTIVE**

## AGENDA

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## **PRESENT**

## **IN ATTENDANCE**

## **APOLOGIES**

## **ITEMS TO BE CONSIDERED IN GENERAL BUSINESS**

## **MATTERS ARISING**

## **DECLARATION OF INTEREST**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have with regards to items within this Agenda and subsequent confidential Agenda herein.

## **CONFIRMATION OF MINUTES – 25 AUGUST 2016**

## **REPORTS**

### **ITEM 96            Potential Residential Subdivision Development**

**To:**                **Chairman and Members  
Otorohanga Community Board**

**From:**           **Chief Executive**

**Date:**            **6 September 2016**

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### **Relevant Community Outcomes**

- Ensure services and facilities meet the needs of the Community
  - Promote the local economy and opportunities for sustainable economic development
- 

### **Executive Summary**

Community consultation is suggested on a proposed Council funded residential property development.

### **Staff Recommendation**

It is recommended that:

The Otorohanga Community Board supports in principle the undertaking of a Council funded residential subdivision development in or around Otorohanga, and agrees that consultation with the community should be undertaken on such funding, through use of the Special Consultative Procedure of the Local Government Act 2002.

### **Report Discussion**

A critical shortage of residential property for rental in and around Otorohanga has persisted for more than 18 months, and more recently a similar shortage of properties for sale has also developed.

The rapid development of these shortages highlights the limited capacity of local housing stock. The small extent of house development that has occurred in town in recent years has only kept pace with the need to house a stable population, but with declining average household sizes, and there is very little capacity to accommodate population growth, even at a relatively low level.

There currently appear to be a number of continuing factors that have the potential to draw new residents to the community, but the lack of accommodation available for people wishing to move to the town is clearly a constraint on such growth, and Council and the OCB have in recent times been giving consideration to how this might be addressed.

Developing substantial additional housing in Otorohanga has some challenges. Opportunities to develop small-scale infill are limited and are unlikely to occur in sufficient volume to significantly increase supply. This type of development might at best be able to provide the number of additional houses (around 5 per year) needed to house the existing number of residents but with the decreasing average household sizes associated with the increases in average age of the population that has been forecast to occur up to around 2030.

It is believed that for real growth of the community to occur (which seems to be desired by all parties) larger new 'green fields' residential developments in or around the town would be essential.

Previous experience does however strongly suggest that reliance should not be placed on the private sector to invest in such larger developments. Otorohanga is only located at the fringes of the strongly growing central Waikato area, and as such the potential direct financial rewards from large scale property development are balanced with some fairly significant risks, which has not created a strong investment equation for private parties.

A belief that the private sector would not take a strong role in local property development led Council to undertake the Progress Park and Westridge subdivisions in the early 2000s. Whilst these developments were not very profitable in simple financial terms they are considered to have been broadly beneficial for the community.

Previous discussion involving Council and the OCB has indicated a belief that ODC/OCB once again needs to take the lead, to conduct large scale subdivision developments in or around Otorohanga in the relatively near future.

A number of apparent opportunities for such subdivision developments have been previously discussed, and attention is now focussed on a particular location, with a preliminary evaluation of a development concept at this location currently being undertaken.

It is intended that the details of this development concept will be presented to Council at their meeting of 20 September 2016, and that if Council is agreeable, public consultation will then be undertaken on a proposal for Council funding of such a development, through use of the Special Consultative Procedure of the Local Government Act 2002.

This public consultation is necessary because such funding has not previously been indicated in any Council's Long Term Plan or in any other statutory documents. Whilst it would be hoped that a Council investment in such property development would yield revenues that are sufficient to cover costs, there is nevertheless a need for a substantial initial investment and the potential for significant holding costs.

Previous discussion with the Board and Council has indicated a desire for additional residential properties to be made available at the earliest possible opportunity, and hence it is proposed that public consultation in relation to funding is undertaken as soon as adequate details of the proposed development become available.

Also, as has previously been discussed, it is likely that the development proposal will not only be for the creation of new residential lots, but also for the construction of houses on some of those lots, so that 'house and land' packages can be offered. This is again based on Council's own experience and external advice which suggests that many people looking to buy a home would prefer to have the reduced complexity and uncertainty that comes with buying a house that is already constructed, rather than having to organise house building themselves.

It is important to note that the consultation proposed to be undertaken at this stage is only that required in respect of matters pertaining to the Local Government Act. Consultation relating to matters under the Resource Management Act would occur if and when an application is made for a Resource Consent, which would be at a later stage.

Dave Clibbery  
**CHIEF EXECUTIVE**

**ITEM 97            Otorohanga Township Building Over Services Reticulation Policy**

**To:                    Chairman and Members  
                          Otorohanga Community Board**

**From:                Engineering Manager**

**Date:                 6 September 2016**

**Relevant Community Outcomes**

- The Otorohanga District is a safe place to live
  - Ensure services and facilities meet the needs of the Community
  - Promote the local economy and opportunities for sustainable economic development
- 

**Executive Summary**

A revised Building over Services Reticulation Policy for the Otorohanga Community has been jointly drafted by the Building Department and the Engineering Department.

**Staff Recommendation**

It is recommended:

That the revised Policy for Building over Services Reticulation be adopted for the Otorohanga Community.

**Report Discussion**

This policy has been updated after feedback from the OCB on the previous draft. It has been jointly written by the Engineering and Building Departments and gives consideration to the needs of both departments, and also to those of our ratepayers. The intention is to allow as much in-fill housing as reasonably possible whilst at the same time protecting the Council services now and in the future. As previously discussed most councils do not allow any building over services. Two exceptions are Auckland and Hamilton where in both cases the user pays the cost of both design and any physical works required to protect the services and allow for future replacement. It is on this basis the Otorohanga policy has been written, with the aim of keeping the cost passed on to general ratepayers to a minimum.

A detailed stocktake has been undertaken of how the development of existing residential sections in the Otorohanga Community could be affected by the presence of Council services. Key results of this stocktake are as follows:

- There are three sections containing Council services on which second houses could be built without building over these services due to their location.
- There are two sections where it is considered highly likely that a garage could be built over services.
- There are ten sections with a medium probability that a second house could be built over services.
- There are four sections with a low probability that a second house could be built over services.
- There are 29 sections containing Council services where the area is large enough to allow a second house to be built, but where this is impractical due to the site topography or other constraints.

In summary, the number of larger sections containing Council pipes that fall into the different categories is as follows:

Additional house can be built without effect on pipes	3
High likelihood of build over by an additional house	14
High likelihood of build over by an additional garage	2
Medium likelihood of build over by an additional house	10
Low likelihood of build over by an additional house	4
Build over is impractical	<u>29</u>
Total	<u>62</u>

In addition to the above there are also a total of 27 residential sections where a second house or garage has already been built over a sewer and another two instances where garages are built over stormwater lines.

Over and above these, there are another 49 smaller sections, suitable for only one house, where services have already been built over which are summarised as follows:

Built over by a house	12
Built over by a garage	24
Built over by a shed or carport	<u>13</u>
Total	<u>49</u>

Finally, there are another 99 smaller developed sections on which services are present which could potentially be affected if there were extensions of existing houses, or construction of additional garages or sheds.

Based on this stocktake the effects of a build-over policy in respect of the development of additional housing in Otorohanga are considered to relate to a total of 24 (14+10) sections which have high or medium likelihood of being built over by an additional house. This represents approximately 2.2% of the total number of sections in the community.

It is recognised that the proposed policy may be relatively complex for the layman, and for this reason a simplified two page guide document 'Building Over Pipes' has been developed, a copy of which is attached.

It should also be noted that the proposed policy makes reference to that policy having effect in both Otorohanga and Kawhia, as would be desirable to have a common policy applicable to both of the urban communities in the District. The approval of the Kawhia Community Board will therefore be sought for this same policy to be applicable to their community.

Roger Brady  
**ENGINEERING MANAGER**

### **Attachments**

- a. Draft Policy for Building Over Services Reticulation
- b. Draft Build Over Pipe Info for ODC website



## 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.

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.

## **Building over Council Pipes**

If you are thinking about or planning a new building project, a garage, a sleep out or an extension to your house, you should check to see if an Otorohanga District Council water, wastewater (sewer) or storm water pipe runs through or near the area that you wish to build within.

This is important as structures built over these pipes could cause damage to those pipes or disturb fill material in the surrounding areas. Building over pipes can also cause considerable problems if those pipes become blocked, collapse, leak or otherwise need to be repaired or replaced in the future.

Even if there are pipes running through the area you may still be allowed to build over wastewater or storm water pipes subject to certain conditions. These conditions include use of structural designs that meet Council's requirements, and provision of means to manage potential future failures or replacement of those pipes.

It should however be noted that wastewater and storm water manholes and public water supply pipes cannot be built over in any circumstance. Please contact Council's Water Services Department if you wish to discuss any alternatives such as relocation of manholes or pipes.

### **The process**

#### **Step 1: Identify Council Assets (pipes/manholes/catchpits/ service connections) located in the Immediate Area**

You can do this by visiting Council at 17 Maniapoto Street and viewing a copy of the service plans via a computer at the front counter.

#### **Step 2: Detailed Investigation**

If you have identified Council assets located on your proposed building site, further investigation will be required.

This investigation will accurately identify where the assets are located in relation to your proposed building site and the depth and current condition of these assets. This is done by accurately marking the position of the pipes on the site (normally by pegs from boundary to boundary) and in some cases by an internal CCTV inspection of the pipe and any connections to it.

You will need to pay all of the cost of this investigation. A period of at least five working days' notice is required for this service (and longer if a CCTV inspection is required) which can be requested as part of your Building Consent process.

You may also apply for the CCTV inspection prior to lodging your Building Consent application by contacting Council's Services Manager.

#### **Step 3: Conditions for Building over Pipes**

It is important the pipe is in good condition if a building is to be placed over it. If the CCTV inspection or other information indicates that it is not, an appropriate repair or replacement must be carried out

before any building activities can commence. Depending on the condition of the pipe, you may be liable for some or all of the cost of this work.

Council staff may in some cases be able to undertake these works, but our ability to do so quickly will be dependent on how much other work this team has, and as a result your Building Consent may be delayed until the repair work is completed and paid for. Because of this employing a private Council-approved drainlayer to do the required work may be a better option if you want to move your project forward as quickly as possible..

If the pipe is in good state you will be granted permission to build over it, subject to other certain important conditions, which are roughly outlined below:

- The intended building must be specifically designed so that no structural load is placed on the pipeline. If piling is required, all piles must be located no less than one metre clear of the outside of the pipeline. All piles from one metre to two metres from the pipeline must be drilled to at least one metre below the invert level of the pipeline before pile driving can commence;

or if the building has the potential to put a load on the pipe, a structural engineer is engaged to design a foundation that ensures that this load is kept to a level that will not damage the pipe. This final design must be approved by Council.

- Provision must be made to replace the pipe at the end of its life without causing severe damage to the building. This can be done by methods which include:
  - i. Making arrangements for future relocation of the pipe to another Council approved position on the property if such a position exists.
  - ii. Having a section of building floor which can be removed to enable suitable access to the pipe.
  - iii. Re-laying the pipe within a duct before construction of the new building takes place.
- Adequate clearance must be allowed for maintenance activities and future replacement of the pipe. (The distances can be determined when the depth and location of the pipe is confirmed.)

You will be required to meet the cost of satisfying these conditions.

For a more comprehensive description of the rules relating to building over Council pipes, a copy of Council's Policy for Building over Services Reticulation is available on request.

If you are considering building over Council pipes it is strongly recommended that you discuss your proposal with relevant staff from Council's Building Control and Water Services teams at the earliest opportunity, so that you can get a clear picture of what is required and is achievable.

#### **Step 4: The Building Process**

Once the design is approved you can then proceed with lodging your Building Consent with the Council's Building Control Unit. If you have already lodged your Building Consent prior to a required pipe inspection the results of the pipe inspection and details of the associated required works for building over the pipe need to be obtained before your consent is processed.

**GENERAL**

**MOTION TO EXCLUDE THE PUBLIC**

**Reason for Confidentiality**

	<b>Grounds</b>	<b>Reason</b>
	Section 48(1) of the Local Government Official Information and Meetings Act 1987, which permits the meeting to be closed to the public for business relating to the following grounds:	Subject to sections 6, 8 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary to:
	48(1a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.	7(2i) Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

**MOTION TO READMIT THE PUBLIC**