

Policy Owner	Infrastructure Manager		
Adopted by	Council		
Description of policy	Guidance for decisions on building over or near Council's underground utilities.		
Keywords	Underground utilities, build over		
Policy Number		Doc Set Number	
Supersedes policy no.		Superseded by	
Date policy first adopted	1997	Date this version adopted	
This version effective from:		Date of next review:	5 years from the time of policy adoption

Objectives

To protect Council's underground utilities including watermains, wastewater and stormwater pipelines, and associated assets.

Measurement and Review

A review of this policy is to be 5 years from the time of policy adoption.

Definitions

Underground utilities include watermains, wastewater pipelines and stormwater pipelines, and any associated assets such as manholes and connections.

Building means any structure, whether temporary or permanent, movable or immovable that requires foundations below ground level or will place the load on the underground utilities.

Build over means any building within the zone of influence as defined by figure 1 below.

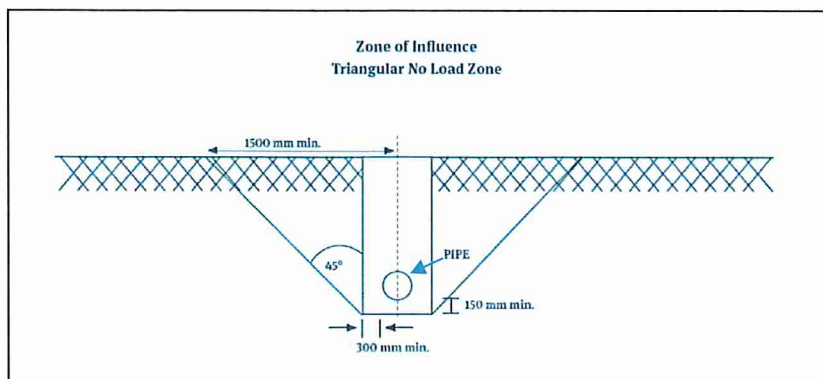


Figure 1: Zone of Influence

A yard means a space between a boundary and a line parallel to the boundary that is a specified distance from it, where no buildings can be located (as defined in the Thames-Coromandel District Council District Plan, appeals version).

Policy Statement

This policy covers building over or near Council's underground utilities including watermain, wastewater pipelines and stormwater pipelines, and associated assets (e.g., manholes and connections). This policy supersedes all previous Underground Utilities policies.

1. In general, no buildings are to be placed near or over Council's underground utilities.
2. The granting of a waiver to reduce yard requirements does not give the applicant the right to build over any utility which is located within the yard.
3. The granting of a boundary adjustment which results in an underground utility being located within the building platform does not give the applicant the right to build over it.
4. Building over or within the zone of influence of a Council utility, or within a Council easement for services is not a recommended practice and may only be considered by the Council in exceptional circumstances where no suitable alternatives exist.
5. A request for approval to build over or near a Council utility may be considered by Council only once all other options are exhausted, and provided the following criteria are met:
 - a) The applicant must demonstrate that it is not possible to locate the building or structure clear of the utility. This work will be at the applicant's cost.
 - b) If it is not possible to locate the building or structure clear of the utility, the applicant is to investigate the relocation of the utility clear of the building to Council's satisfaction and present alternatives to Council. Any investigation, relocation, and associated works will be at the applicant's cost.
6. Council is not obliged to approve to build over or near Council utilities.
7. Under exceptional circumstances (i.e. where all other build over options are exhausted), Council may at its sole discretion grant approval to build over or near a Council utility, and this will be subject to conditions. These conditions include but are not limited to:
 - a) Council requiring the applicant to modify their proposal to prevent damage to the Council utility, at the applicant's cost
 - b) The underground utility is protected so that it is possible to safely gain access and maintain the utility and the structure, independent of each other, without presenting any risk to either, at the applicant's cost.
 - c) To further protect Council's utilities, registration of a covenant in gross or encumbrance (whatever the Council thinks fit) over the record of title to notify interested parties of the terms and conditions of any Agreement will be required.

The applicant will be required on first written request to execute an authority and

instruction form for registration of a covenant in gross or encumbrance in favour of the Council recording the existence and any obligations contained in the Agreement. This will be prior to the building consent code of compliance certificate being issued or within two years of the date of granting building consent whichever occurs first.

The applicant will be required to pay all costs and expenses in connection with the covenant in gross or encumbrance and any other associated costs.

- d) Building over or near a Council underground utility will involve constructing specific New Zealand Chartered Professional Engineer designed foundations that are bearing on the natural ground or certified fill, with a minimum of 1.5m clearance from the utility centerline and clear of the utility trench zone of influence. Normally this requires foundations which are founded a minimum of 1m below a line drawn at 45 degrees from the invert level at the edge of the original utility trench. See drawing 1.
 - e) Site-specific conditions and other requirements imposed by Council.
8. No buildings shall be permitted over manholes or connections.

Application Information

9. The application must be made in writing and supported by plans which clearly show:
- a) Distance between the proposed building/structure and all legal boundaries; and
 - b) Distance between the proposed building/structure and any existing buildings; and
 - c) Distance from the public drain(s), manhole center(s) to all legal boundaries; and
 - d) Location of any council-owned drains or other utility assets within site; and
 - e) Easement boundaries; and
 - f) Diameter, Depth, and Material of the buried pipeline (if known)
 - g) Dimensions and location of the proposed building/structure, including foundation design details adjacent to pipes
10. Other information which may be required includes:
- a) The results or a copy of any CCTV surveys already undertaken (video and reports)
 - b) Any documentation, professional assessment, or such other information as required by the Council to assess the application.
11. If the Council determines in its sole discretion to grant approval to build over or near Council utilities the applicant will be required to comply with all other statutory requirements in connection with the request.

12. The applicant acknowledges that the build over or near Council utilities is at the Applicants own risk and indemnifies the Council from all claims and demands of any kind in connection with the build over or the application.

Application Processing Fee

13. Council holds the rights to recover the reasonable cost associated with the processing of any build-over or near underground utilities application.

Section 451 of the Local Government Act 1974 states:

- 1) If any person proposes to erect any building or to carry out any work in such a location and at such levels that the diversion, alteration, protection, or replacement of any of the drainage works of the council appears to be essential to the erection of the building or carrying on of the work,
 - a) that person shall notify the council of his proposals; and
 - b) if the council is satisfied that it is practicable for its drainage works to be diverted, altered, protected, or replaced without material interference with the services for which it is responsible and that it is reasonable that this be done, it may enter into an agreement with that person as to the manner in which the drainage works shall be diverted, altered, protected, or replaced.
- 2) The cost of so diverting, altering, protecting, or replacing the drainage works of the council shall be borne by that person, and all other costs which the council may incur in any way incidental thereto shall be paid to the council by that person.
- 3) If that person fails to comply with any condition specified in any such agreement, he commits an offence against this Act.