

Building over public mains

Frequently asked questions

Q What is the Council's approach to building over public mains?

A The Council's preference is that **no** buildings should be located over its public mains as this would greatly hinder and involve a high cost to the ratepayer in carrying out maintenance and replacement of these mains. The Council may consider an application to build a garage or carport (but definitely no habitual buildings) over its mains but would require the applicant to first satisfy it that:

1. there are no other alternate site locations which avoid the mains
2. the pipe cannot be located clear of the garage
3. a replacement of pipe could be laid by either sleeving, lining or pipe bursting and what is the additional cost if this was the only option
4. the garage is light timber framed and does not exceed the maximum size of 9m x 6m.

Q What else would the Council have to investigate and take into consideration before it arrived at its decision?

1. the mains position in the network eg head of line/number of properties potentially affected; age and/or the condition of the pipes and likely renewal date
2. is there access to each end of the pipe for maintenance and replacement (including sections beyond the proposed building).

Q If the Council did grant approval to build over the main, would there be any conditions attached to it?

A Yes. The following conditions would be imposed but not limited to:

1. the building of the garage would be done with the knowledge that the garage will have to be demolished at the owners cost at the time the main requires replacement and or repair
2. the Council's consent is subject to the following conditions:
 - 2.1. The structure will not be constructed over a service opening (manhole) or over an existing service connection
 - 2.2. The Building Consent drawings are required to show:
 - 2.2.1. the exact location and the depth of the existing mains and manholes in relationship with the proposed building
 - 2.2.2. details of the foundations
 - 2.2.3. that the requirements of Council's drawing No. 5904 appendix B Fig 7 showing how the building's structural integrity will be maintained if ever the Council has

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to expose its' main by open trenching and also that no additional loading is exerted on the main by the building

- 2.2.4. where the designer opts to have lift out concrete floor slabs to allow access by open trench excavations then details of this shall be on the drawings.
- 2.3. the Council will not be liable for any damage to the building arising directly or indirectly from the wastewater main
- 2.4. when replacement or repair of the wastewater main below the garage is required, Council shall give 30 days notice of the intention to do so and within that period of time the garage shall be demolished by and at the property owner's cost. Council will not be liable for reinstating the garage
- 2.5. the Council will not be liable for any damage to the garage arising directly or indirectly from monitoring work or maintenance work on the wastewater main carried out by Council at any time in the future
- 2.6. the Council is to be indemnified against claims arising directly or indirectly from the existence of the building work over the wastewater main
- 2.7. maintenance requirement: the property owner will give the Council access to the wastewater main for maintenance purposes. maintenance will be completed by the open trench method unless you pay any extra cost incurred using trenchless techniques
- 2.8. the property will not be sold without first obtaining a Deed of Covenant from the purchasers on similar terms to the Deed of Covenant described in clause (i) below
- 2.9. you will execute a Deed of Covenant, binding the owner and future owners of the property in favour of the Council covenanting to keep conditions (e) to (i) above and such Deed shall be secured by a caveat registered against the property title. The Deed of Covenant will be prepared by the Council at the owners cost
- 2.10. proceeding with an application for a building consent to complete the building work will be deemed to have accepted the above conditions
- 2.11. the Council will only provide written consent to the building work over the wastewater main once it has a signed the Deed of Covenant and Council's costs for preparing the Deed of Covenant and registering the caveat have been paid
- 2.12. a copy of the Deed of Covenant will be held in the Council's Building Envelope for the property.

Q What gives Council the rights for controlling what is built over its mains?

A The Local Government Act.