

This form must be submitted with a completed application cover page form. Complete this form with the assistance of the Building near NPDC-owned reticulation guide - numbers on this form relate to explanatory notes in the guide.

. Type of proposal

- Divert the reticulation around proposed building work in accordance with the conditions under
  A. Conditions for diverting the reticulation.
- Plans for the proposed diversion work are attached to this application.

#### Build near NPDC-

owned reticulation in accordance with the conditions under B. Conditions for building near NPDC -owned reticulation.

#### A. Conditions for diverting the reticulation

- Proposed diversion work will be in accordance with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard.
- Plans for the proposed diversion are attached to this application.
- The diversion work will be completed by a New Plymouth District Council (NPDC) approved contractor.
- The construction of this work will be supervised by NPDC staff.
- All costs for the supervision of works, plans, diversion works, legal fees, easement fees, etc. is to the account of the property owner.
- Construction of the proposed structure will not commence until diversion works are completed.

#### B. Conditions for building near NPDC-owned reticulation

- All specific requirements and conditions imposed by NPDC should be met.
- A deed of covenant and a memorandum of encumbrance will be registered against the title of the land.
- Approval for the building consent will not be granted until the above conditions have been met.
- All costs associated with these conditions, including legal fees incurred by NPDC, will be the property owner's responsibility.

#### Please provide details of the property owner's solicitor:

## 2. Applicant's declaration and Privacy Statement

#### **PRIVACY STATEMENT**

Information on this form is required to be provided under the acts, regulations and bylaws administered by the NPDC and is required to process your application. This information, including your personal information, has to be made available to the members of the public and media, including business organisations, upon request. In appropriate circumstances, it may also be made available to other units of NPDC, NPDC's approved contractors and other government agencies. Under the Privacy Act 2020, you have the right to access and request correction to your personal information at any time. If you wish to do this please contact NPDC.

I confirm that I have read and understood the privacy statement above and that the information provided on the application form is true and correct. I further understand that all correspondence related to the application will be sent to me.

I also confirm that I am the registered owner of the property indicated in section one of the application cover page form and that I have read and understood the conditions listed in section one of this form.

This serves as notification to NPDC of my intention, as selected in section one of this form, and my agreement to the conditions associated with it.

#### Where the building encroaches upon NPDC property

Please note that NPDC as a landowner does not permit the construction of any structures on, over or under NPDC property without the prior written approval of the NPDC asset manager. Undertaking construction without the approval of the NPDC asset manager may result in a requirement to remove the structure.

Signature		Date					
First name(s)			Surname				
OFFICE US	E ONLY	Applicant #					
Date received		Property #			Application #		
ïme received		Land #			Document #		
		Logol #			Amount paid	\$	



# GUIDE Building near NPDC-owned reticulation

Part 14, NPDC Bylaws 2008

Explanations in this guide are intended to assist you to complete the Building near NPDC-owned reticulation form. Numbers on the form relate to the explanatory notes in this guide.

## Building near NPDC- owned reticulation

Is there water, sewer, or stormwater reticulation near where you intend to place your building? You may need to complete the application form before you can start any building work.

In New Plymouth District there are many kilometres of sewer, stormwater and water reticulation. Some of this reticulation is within private properties. NPDC needs to maintain and protect these assets as required by the Local Government Act.

NPDC is reluctant to allow buildings or additions to be built near reticulation because doing so can:

- Lead to more difficult maintenance works.
- Expose NPDC to potential liability claims.
- Compromise the integrity of the district's water, sewer or stormwater reticulation.

In exceptional circumstances and for less critical public services, however, NPDC may allow this type of work to proceed under specific conditions.

#### How best to locate reticulation?

There are various methods to locate reticulation. It is recommended that you arrange an on-site investigation with a suitably qualified professional.

A service plan printout can be requested from NPDC. This record should be treated as a guide only. The responsibility to ensure that a structure is not built over NPDC-owned reticulation lies with the owner.

### Building 'near' reticulation - what is the minimum distance?

'The minimum distance is 1.5m from the centre line of the pipe/culvert, or the invert depth of the pipe/culvert plus the diameter of the pipe or the width of the culvert plus 0.2m, whichever is the greater distance.

'Building' includes a dwelling, garage, carport, deck, swimming pool, retaining wall and any other permanent structure.

# What are your options if your proposed building site is near NPDC-owned reticulation?

Option	Description			
Choose a new site for your building	This is the most desirable and least costly option; no legal documents are involved and no extra cost or time is needed for re-laying reticulation.			
Divert the reticulation (do not change your proposed	Select this option if sufficient room exists within the property and any new works can be made to meet the Land Development and Subdivision Infrastructure Standard requirements - particularly in respect to grade and capacity. Diversion is dependent on alignments, and grades of the existing reticulation, and is not always possible.			
building site) Get approval	All diversion and associated works will be at the applicant's cost and done by an NPDC-approved connection contractor.			
to divert the reticulation	No building work may start until this application is approved by NPDC and the diversion of the reticulation is completed.			
Do not change your proposed building site	Select this option if there is insufficient room within the property to either site the proposed building clear of the reticulation or divert the reticulation around the proposed works.			
Get approval to build near NPDC- owned reticulation	As a last resort, you may be granted permission to build near the reticulation, subject to any specific requirements and conditions imposed by NPDC and a deed of covenant and a memorandum of encumbrance being registered against the property title so that consecutive titleholders are legally responsible for the conditions set out in these documents.			
	Deed of covenant: a legal promise by the landowner to remove and improve or redirect the reticulation and protect NPDC against any action brought against it for any loss or damage or injury caused as a result of NPDC agreeing to the location of a building or an improvement near the reticulation.			
	Memorandum of encumbrance: a document that ensures the landowner's obligation as set out in a deed of covenant. It is registered against the title of the land and is deemed to be a form of mortgage. This encumbrance secures a sum of money (which is inflation-adjusted each year) and will be payable only if the landowner fails to comply with his/her obligations under the deed of covenant.			
	No building work may start until this application is approved by NPDC.			

Indications and guidelines issued by NPDC are provided with the intention of helping people to understand the legislation. They are however offered on a 'no liability' basis and in any particular case those concerned should consult their own legal adviser.

