



## New Zealand Legislation

# Local Government Act 1974

- This version was reprinted on 23 May 2016 to make corrections to sections 188(a), 517F(1)(a), 517W(3)(b), and clause 3 of Schedule 10 under section 25(1)(j)(ii) of the Legislation Act 2012.

### **460 Construction of private drains through adjoining premises**

- (1) Where, in the opinion of the council, the only practical route of any new private drain is through 1 or more adjoining premises, and any owner or owners of any of those premises will not consent to its construction, the council may, pursuant to a resolution in that behalf, of which notice shall be given to the owner or owners withholding his or their consent as aforesaid, enter upon his or their premises and execute, provide, and do all or any of the works, materials, and things which the council considers necessary, in order that the drain shall be laid in an efficient manner.
- (2) Before passing a resolution under subsection (1), the council shall give to every owner refusing his consent as aforesaid an opportunity to be heard before a committee of the council.
- (3) The cost incurred by the council in carrying out the said work, including the payment of compensation for injurious affection to any premises through which the drain is laid, shall be payable by the council in the first instance, and may be recovered by it from the owner of the land to be served by the private drain; and [section 465](#) shall apply with respect to the amount so recoverable as if it were an advance made by the council under [section 463](#).
- (4) If agreement cannot be reached between the council and any claimant for any such injurious affection, the matter shall be determined as if the work were a public work and the claim were a claim for injurious affection in respect thereof under the [Public Works Act 1981](#).

Compare: 1954 No 76 s 226; 1956 No 64 s 253

Section 460: inserted, on 1 April 1980, by [section 2](#) of the Local Government Amendment Act 1979 (1979 No 59).

Section 460(4): amended, on 1 February 1982, pursuant to [section 248\(1\)](#) of the Public Works Act 1981 (1981 No 35).