

Wastewater Laterals Policy (2021)

1. Introduction

The Wastewater Laterals Policy (2021) (this policy) describes responsibilities for wastewater laterals in Wellington City. Under this policy:

- the Council is responsible for any part of the wastewater lateral in public roads, and
- property owners continue to own, and remain responsible for, the parts of the wastewater lateral on their property, or on an adjacent private property or other public land (for example, a reserve).

This policy was adopted on 14 October 2021 and replaced the Lateral Policy 2005 (applying to wastewater laterals connected to public mains).

2. Background

This policy reflects a new approach, previously property owners were responsible for the full length of wastewater laterals, including the portion in the road.

Change was agreed through Long-term Plan 2021-31 – that the Council take ownership of, and be responsible for, maintaining and renewing wastewater laterals in public road in Wellington City. The Long-term Plan 2021-31 was approved by the Council on 30 June 2021. To implement the approved change, the Council has:

- i. declared wastewater laterals in the road to be public drains by resolution under the Local Government Act 1974 (Section 462 refers)¹, and
- ii. developed this policy to provide definitions and descriptions to specify the Council's ownership and responsibility, and describe the private owner's responsibility.

Council responsibility aligns with the approach at many other Councils, provides for more efficient maintenance, and manages issues and the costs for private owners of working in the road (for example, traffic management and road reinstatement).

3. Scope

This policy applies where a wastewater lateral joins the Council main outside the property boundary, and the join is in the road. This situation may apply to around 70 percent of the properties in Wellington city. Property owners remain responsible for any parts of a wastewater lateral in:

- their property
- a neighbouring property
- a reserve or other public land that is not a public road
- a private way, and
- a private road.

¹ Wellington City Council Infrastructure Committee, 14 October 2021 and Wellington City Council meeting 28 October 2021 refers.

4. Definitions

Term	Definition
Council	the Wellington City Council or delegated representative of the Council such as a Council Controlled Organisation or other agency (for example Wellington Water).
owner	owner is defined in the Land Transfer Act 2017 and means the owner of a legal or an equitable estate or interest in the land, and includes a person who has a future estate or interest in land.
wastewater lateral	<p>a wastewater lateral is the pipe from an individual property to the Council wastewater main, the wastewater lateral is a continuous pipe which may cross from private, to other private, and / or to public land (such as a road or recreation reserve), and may serve more than one property.²</p> <p>for avoidance of doubt:</p> <ul style="list-style-type: none">• the term “lateral” is also used to describe pipes that transfer stormwater or water, this policy only applies to wastewater laterals• although wastewater laterals in road have been declared public drains (refer Section 2 of this policy) the building and design specifications for wastewater laterals (for example, as set out in the Regional Standard for Water Services³) continues to apply – wastewater mains that are “public drains” have different technical requirements.
road	<p>has the same meaning as in the Local Government Act 1974 and, for the purpose of this policy, includes the carriageway (formed road), and any footpath or berm adjacent to the legal property boundary.</p> <p>for avoidance of doubt:</p> <ul style="list-style-type: none">• this definition of road may include state highway and the Council will work in accordance with Waka Kotahi NZ Transport agency directions and guidance on any work in state highway• a wastewater lateral in a private road or private way, as defined in the Local Government Act 1974, is considered to be on private land and the responsibility of the property owner / s.
wastewater	wastewater is defined in the Regional Standard for Water Services ⁴ and means water that has been used and contains unwanted dissolved and/or suspended substances from communities, including homes businesses.

² Wellington Water, [What's a lateral? - Wellington Water?](#)

³ Wellington Water, <https://www.wellingtonwater.co.nz/assets/uploads/Regional-Standard-for-Water-Services-May-2019.pdf>

⁴ Wellington Water, <https://www.wellingtonwater.co.nz/assets/uploads/Regional-Standard-for-Water-Services-May-2019.pdf>

5. Construction, consent requirements, transfer of ownership

The construction of new wastewater laterals is the responsibility of property owners (both on their property and in the road if the main is located in the road).

If, as part of a building consent or resource consent, an existing wastewater lateral needs to be upgraded or reconfigured, the responsibility for this work is with the property owner (both on their property and in the road if the main is located in the road).

If an existing wastewater lateral can be used to support new development or a renovation project, but has durability issues identified in regard to the proposed development, the Council will be responsible for the repair or renewal of the part of the wastewater lateral in the road, and the property owner for the part in their property.

Property owners and / or developers are responsible for obtaining any necessary consents, approvals and certificates that may be required from the Council for construction, upgrades and reconfiguration of wastewater laterals.

Ownership of the part of the wastewater lateral in the road, for the purposes of maintenance and renewal, will automatically transfer to the Council after the Code of Compliance is issued.

The Council will not be responsible for a wastewater lateral that has not been appropriately consented or permitted.

6. Transition

The Long-term Plan 2021-31 took effect on 1 July 2021. In case of maintenance and renewal between 1 July 2021 and the adoption of this policy on 14 October 2021, work on repair and renewal may be completed or reimbursed on a case-by-case basis by the Council and Wellington Water.

7. Wastewater lateral responsibility illustrations⁵

These illustrations show responsibility for wastewater laterals in three different scenarios.

⁵ Images have been adapted from Watercare document, [Who is responsible for pipes?](#), accessed, 18 August 2021.

Illustration 1: Single property with wastewater lateral and main located in the property - the property owner is responsible for the wastewater lateral to the join with the main (and / or the first joint from the main) and as there is no part in the road it is out of scope of this policy

Responsibility

■ Property owner(s)

■ The Council

→ Wastewater flow

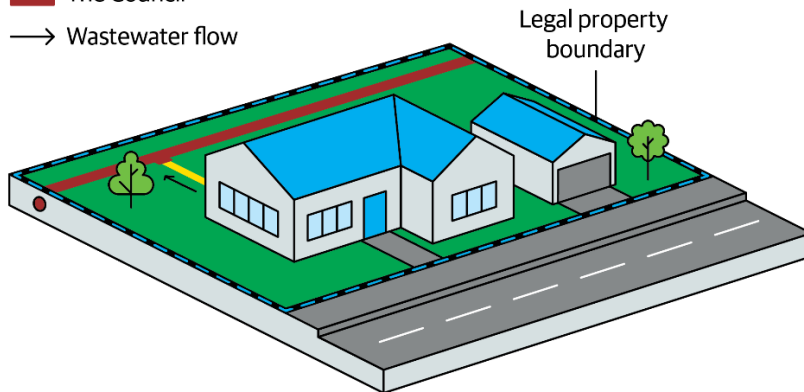


Illustration 2: Single property connecting to a wastewater main in the road - the property owner is responsible to the legal property boundary, the Council is responsible for the part in the road.

Responsibility

■ Property owner(s)

■ The Council

→ Wastewater flow

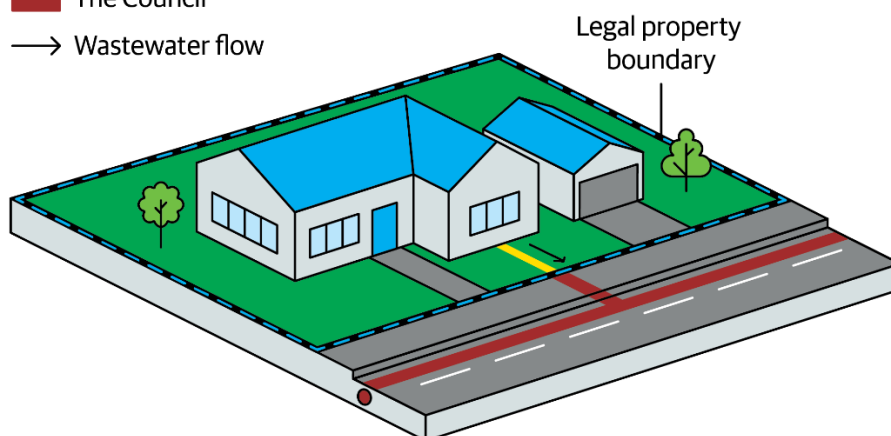


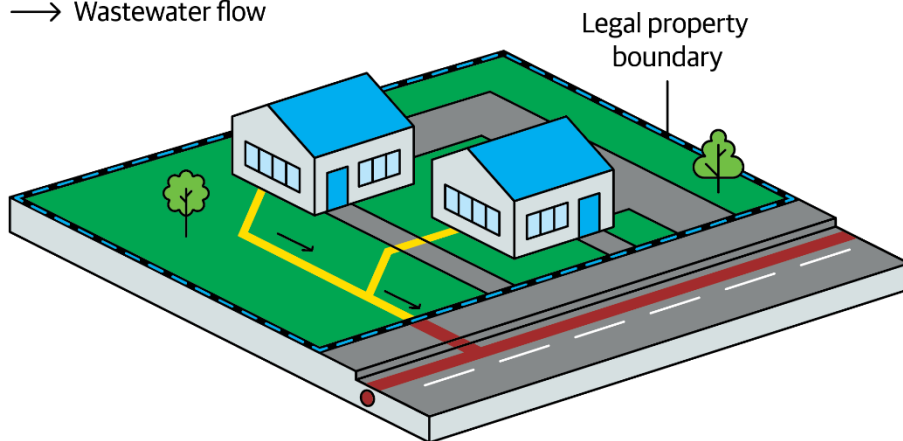
Illustration 3: Two properties connecting to a wastewater main in the road - the property owners are responsible for the shared wastewater lateral in their properties, subject to any easements and private agreements in place, and the Council is responsible for the part in the road.

Responsibility

■ Property owner(s)

■ The Council

→ Wastewater flow



8. Operational policy and other Council policies

The Council or delegated representative may issue operational policy and public guidance for; reporting and identifying issues, and making repairs and undertaking maintenance under this policy (for example, issuing supplementary illustrations for different scenarios and outlining processes for identifying a fault).

All other Council policies continue to apply to work in the road, for example, the Wellington City Council Code of Practice for Working in the Road, and Wellington City Council Verges Policy and related guidance.

Other policies about laterals are unchanged, for example, responsibilities for water supply laterals are at the defined point of supply in the Wellington City Council Consolidated Bylaw Part 8 Water Services (generally the water toby), and for stormwater at the point of discharge, typically the gutter.

9. Third party damage

Utility operators are required to pay for repairs to or replacement of wastewater laterals in the road that result from damage they cause.