



Cassowary Coast Regional Council Local Law No. 12 (Town Water) 2022

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 12 (Town Water) 2022*.

2 Purpose

The purpose of this local law is to:

- (a) provide for the installation of **water meters**;
- (b) authorise reading of **water meters**;
- (c) provide maintenance to and around **water meters**;
- (d) calculate **water usage charges**;
- (e) estimate **water usage charges**;
- (f) charge for **water use charges** and use of water infrastructure;
- (g) monitor water loss and wastage; and
- (h) provide for appropriate enforcement action.

3 Application

This local law applies to:

- (a) all land identified within infrastructure planning scheme maps as land being or to be serviced by **town water**; and
- (b) any other premises which is serviced by a **town water** supply.

4 Relationship with other laws

This local law is:

- (a) to be read in conjunction with *Local Law No. 1 (Administration) 2022* which contains provisions and definitions that apply to all local laws;
- (b) made under Chapter 3 of the **LGA**; and
- (c) otherwise in addition to, and does not derogate from, laws otherwise regulating water supply.

Part 2 Ownership

5 Ownership

All meters used to read or check water consumption of **town water** are owned by and remain the property of **Council**.

Part 3 Maintenance, protection and tampering

6 Maintenance

Council will maintain all **water meters** which are the property of **Council**.

7 Testing of water meters

- (1) The following persons may request that **Council** check the accuracy of the working of any **water meter** on payment of a prescribed fee:
 - (a) in respect of a master meter measuring water supply for a **premises** group – the body corporate; or
 - (b) in all other cases – the owner of the **premises** to which the **water meter** relates.
- (2) If during the test **Council** finds that the **water meter** is malfunctioning, **Council** will refund the **prescribed fee** unless the malfunctioning of the **water meter** is due to the **tampering**, damage or destruction of such **water meter** by the person that requested the test (with satisfactory evidence to be provided to **Council** about the **tampering**, damage or destruction of such **water meter** if the person that requested the test did not cause the **tampering**, damage or destruction in order for that person to obtain a refund).
- (3) Where **Council** determines that the **water meter** is malfunctioning, **Council** will carry out any necessary actions to ensure the **water meter** is registering accurately.
- (4) **Council** may at any time disconnect any **water meter** for the purpose of ascertaining the accuracy of the working of such **water meter**.

8 Tampering with meter

- (1) A person must not tamper with, damage or remove a **water meter**.
Maximum penalty – 50 penalty units.
- (2) In addition to any penalty imposed under subsection (1), the person in breach shall also be liable to pay for:
 - (a) the water consumed during the period the **water meter** was not functioning properly as determined by **Council** according to the process prescribed in Section 16 or 18 of this local law, whichever is the greater; and
 - (b) the cost of repairing or replacing, as the case may be, the **water meter** so damaged or destroyed.

9 Repairs to meter

- (1) When a **water meter** is installed on **premises** or a **premises** group is out of repair, unreadable or has been stolen or removed, the following persons must

give **Council** notice in writing thereof as soon as they become aware that the meter is out of repair, unreadable or has been stolen or removed:

- (a) the body corporate of a **premises** group;
- (b) the **owner** of the **premises** to which the **water meter** relates; and
- (c) the occupier of **premises** to which the **water meter** relates.

Maximum Penalty – 10 penalty units.

Part 4 Access

10 Maintenance of access

- (1) The owner shall maintain the area in and around the **water meter** keeping it free of soil, growth or other matter or obstruction which prevents, or hinders access to the **water meter**.
- (2) If the owner fails to maintain the area in and around a **water meter** under subsection (1) **Council** may:
 - (a) issue a **compliance notice** under section 30 *Local Law No. 1 (Administration) 2022*; and
 - (b) charge a fee for a second meter inspection in accordance with **Council's** adopted fees and charges schedule.

11 Entry to premises

The following persons must ensure that **Council** has unobstructed access to any **water meter** installed on the **premises** or **premises** group for the purpose of carrying out its functions in relation to the **water meter**, including maintenance, repair and reading of the meter:

- (a) the body corporate of a **premises** group;
- (b) the owner of the **premises** to which the **water meter** relates; and
- (c) the occupier of **premises** to which the **water meter** relates.

Maximum Penalty – 20 penalty units.

Examples of obstructed access:

Locked gate or door through which access is required to maintain, repair or read the meter.

Aggressive dog which will not allow access to the meter by a stranger.

A tree or bush growing over the meter impeding the local government's ability to maintain, repair or read the meter.

Part 5 Determining Water Consumption

12 General

Subject to the other provisions of this Part, water consumption for a **premises** or **premises** group will be determined according to the consumption registered by the primary meter.

13 Testing meters

- (1) A person dissatisfied with a **water meter** consumption reading may request that **Council** test the **water meter**.
- (2) **Council** will carry out a test of the **water meter** at the dissatisfied persons cost.
- (3) If the test carried out under subsection (1) shows a reading 5% lower or higher than the **water meter** installed at the **premises**, that was read to determine the initial water consumption, **Council** will reimburse the cost of carrying out the test of the **water meter**.
- (4) In addition to the circumstances described in subsection (1), **Council** may carry out a test of a **water meter** in the following circumstances:
 - (a) if it thinks fit; or
 - (b) upon application by:
 - (i) where water supply for a **premises** group is measured by a master meter – the body corporate; or
 - (ii) in all other cases – the owner of the **premises** to which the test relates.
- (5) A test carried out at the request of the body corporate or the owner of a **premises** will be at the cost of the body corporate or the owner, unless it is determined by **Council** that the cost should be reimbursed.

14 Designated meter reading cycle

Council may from time to time determine the designated meter reading cycle for primary **water meters** but may read a primary **water meter** at any time.

15 Reading outside designated meter reading cycle

Council may upon application read a primary **water meter** outside a designated **water meter** reading cycle.

*Example: Where the **premises** is being sold.*

16 Estimating consumption

- (1) If the **water meter** is not able to be read, tampered with, broken, unreadable, inaccessible, stolen or removed, **Council** shall estimate the consumption for the period since the previous reading of such **water meter**.
- (2) The estimation will be based on:
 - (a) the average of the previous water consumption charged to the owner over a reasonable period of time (being at least four billing periods);
 - (b) deemed water usage in line with **Council's** Water Usage Dispute Resolution Policy, as amended from time to time; or
 - (c) if **Council** is unable to arrive at a reasonable estimate of consumption using an average of previous water consumption, then **Council** may take into consideration other evidence for the purpose of arriving at a reasonable estimate.
- (3) When a large variation of consumption has occurred during the previous four billing periods, making the estimation of consumption unreasonable, **Council** may take into consideration other evidence for the purpose of arriving at a reasonable estimate.
- (4) The amount payable by the owner shall be the amount of the estimate in subsections (2) or (3), at **Council's** discretion.

17 Disputing consumption estimates

- (1) Where a charge is levied based upon an estimate of water consumption, the person responsible for the payment may dispute the estimate of the water consumption.
- (2) A person wishing to dispute the estimate of water consumption must advise **Council** that the estimate is disputed in writing within 15 working days of being advised of the estimate of water consumption.
- (3) **Council** will review the estimate of water consumption and determine whether the estimate is to be varied or whether the estimate is to be confirmed.
- (4) **Council** will notify the person in writing of the decision, including its reasons for the decision.

Part 6 Unmetered premises

18 Unmetered premises

Where **premises** are un-metered, the charges that will be levied will be deemed charges in accordance with **Council's** Adjustment of Water Consumption Policy.

Part 7 Charging

19 General

Charging will be based upon water consumption whether read or estimated for each premises.

Part 8 Standpipes

20 Metered standpipes

- (1) If **Council** resolves to hire metered standpipes, a person (other than a member of the Queensland Fire and Rescue Authority or Queensland Emergency Services) must not draw water from **Council's** water supply system or hydrants on a water main owned by **Council** except by use of a metered standpipe hired from **Council**.

Maximum Penalty – 50 penalty units.

- (2) To obtain a **permit** an application under subsection (1) must be:
 - (a) made on [Approved Form 1.7: Application Form \(What I Want\)](#); and
 - (b) accompanied with the [Approved Form 12.20: Hire of a metered standpipe](#).
- (3) Metered Standpipes will be owned by and remain the property of **Council**.
- (4) **Council** permission to take water from a standpipe on a water main of **Council** will only be given if:
 - (a) the applicant uses a metered standpipe hired from **Council**; and
 - (b) The applicant hires the metered standpipe from **Council** on the conditions of use imposed by **Council**.
- (5) The **permit holder** must ensure that the conditions of the permit are complied with.

Maximum Penalty – 50 penalty units.

Part 9 Wasting Water

21 Prevention of water loss and wastage

Responsible persons for a **premises** must not allow water to run to waste from any pipe, tap, or other fitting.

Maximum penalty – 10 penalty units.

Part 10 Supply and installation of a subsidiary water meter

22 Prescribed activity

- (1) Installation of a **subsidiary meter** within an existing or permitted **premises** within a **premises** group is a **category 2 activity**.
- (2) To obtain a **permit** an application under subsection (1) must be:
 - (a) made on [Approved Form 1.7: Application Form \(*What I Want*\)](#); and
 - (b) accompanied with [Approved Form 12.23: Installation of a subsidiary meter](#).

23 Activities that do not require permit

Nil.

24 Additional criteria for the granting of permit

The following criteria are criteria that must be considered in deciding whether or not to grant a **permit**:

- (a) the application must be made by the body corporate of a **premises** group, or if a body corporate has not been created, the original owner of the **premises** group;
- (b) if it is an individual **premises** the application must be made by the owner of the **premises**;
- (c) if there is already a master **water meter** installed then the master **water meter** must be retained;
- (d) if a master **water meter** has not been installed then a check meter will be installed; and
- (e) payment of the **supply fee** for the **check meter**.

Part 11 Local government tap water usage

25 Not to use water from taps on local government land

Where a water tap has been installed on a **road** or land under the control of the local government, a person must not take or use such water for any use on private **premises**.

Maximum Penalty – 10 Penalty units.

CERTIFICATION

This and the preceding 10 pages bearing my initials is a certified copy of Cassowary Coast Regional Council *Local Law No. 12 (Town Water) 2022* made in accordance with the provisions of the *Local Government Act 2009*, by Cassowary Coast Regional Council by resolution dated 28 July 2022.

A handwritten signature in black ink, appearing to read 'Andrew Graffen', is positioned above the printed name.

Andrew Graffen
Chief Executive Officer
Cassowary Coast Regional Council