



**Cairns Regional Council  
Local Law No. 14 (Town Water) 2016**

**Current as at 1 March 2016**

# Cairns Regional Council

## Local Law No. 14 (Water) 2016

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 14 (Town Water) 2016*.

### 2 Purpose

The purpose of this local law is to:

- (a) provide for the installation of water meters;
- (b) read water meters;
- (c) provide maintenance to and around water meters;
- (d) calculate water usage;
- (e) estimate water usage;
- (f) charge for water use and use of water infrastructure; and
- (g) monitor water loss and wastage.

### 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 1 (Administration) 2016* 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 the local government.

## **Part 3 Maintenance, protection and tampering**

### **6 Maintenance**

The local government will maintain all meters which are the property of local government.

### **7 Testing of water meters**

- (1) The following persons may request that local government check the accuracy of the working of any 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 meter relates.
- (2) If during the test the local government finds that the meter is out of repair, the local government will refund the prescribed fee unless the malfunctioning of the meter is due to the tampering, damage or destruction of such meter by the person that requested the test (with satisfactory evidence to be provided to the local government as to the cause of the tampering, damage or destruction of such 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 the local government determines that the meter is out of repair, the local government will carry out any necessary actions to ensure the meter is registering accurately unless the malfunctioning of the meter is due to the tampering, damage to or destruction of such meter.
- (4) The local government may at any time disconnect any meter for the purpose of ascertaining the accuracy of the working of such meter.

### **8 Tampering with meter**

- (1) A person must not tamper with, damage or remove a water meter.  
Maximum penalty for subsection (1) – 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 the local government 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 meter so damaged or destroyed.

## 9 Repairs to meter

When a meter installed on premises or a premises group is out of repair, unreadable or has been stolen or removed, the following persons must give the local government 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 meter relates; and
- (c) the occupier of premises to which the 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 meter keeping it free of soil, growth or other matter or obstruction which prevents, or hinders access to the meter.
- (2) If the owner fails to maintain the area in and around a meter under subsection (1) the local government may:
  - (a) issue a compliance notice under section 26 *Local Law No. 1 (Administration) 2016*; and
  - (b) charge a fee for a second meter inspection in accordance with the local government's adopted fees and charges schedule.

### 11 Entry to premises

The following persons must ensure that local government has unobstructed access to any meter installed on the premises or premises group for the purpose of carrying out its functions in relation to the 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 meter relates; and
- (c) the occupier of premises to which the meter relates.

Maximum penalty for section 11 – 20 penalty units.

*Examples of unobstructed 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 meter water consumption reading may request that the local government test the water meter.
- (2) The local government 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, +/-2% higher or less, than the meter installed at the premises that was read to determine the initial water consumption, the local government will reimburse the cost of carrying out the test of the water meter.
- (4) In addition to the circumstances described in subsection (1), the local government 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 the local government that the cost should be reimbursed under subsection (3).

### **14 Designated meter reading cycle**

The local government may from time to time determine the designated meter reading cycle for primary meters but may read a primary meter at any time.

### **15 Reading outside designated meter reading cycle**

The local government may upon application read a primary meter outside the designated meter reading cycle.

*Example: Where the premises is being sold.*

## 16 Unread meter

Where the local government has not read a primary meter during the designated meter reading cycle, water consumption for the relevant period will be determined as follows:

$$C=D \times N$$

Where:

C=consumption for the period the meter was not read;

D=daily average consumption of a comparative period selected by the CEO or the whole of the previous financial year, whichever is the lowest;

N=the number of days for the period from the last reading to the reading date of the primary meter.

## 17 Estimating consumption

- (1) If the meter is tampered with, broken, unreadable, inaccessible, stolen or removed, the local government shall estimate the consumption for the period since the previous reading of such meter.
- (2) The estimation will be based on the average of the previous four billing periods charged to the owner.
- (3) When a large variation of consumption has occurred during the previous four billing periods, making the estimation of consumption unreasonable, the local government 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 the local government's discretion.

## 18 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 the local government that the estimate is disputed in writing within 15 working days of being advised of the estimate of water consumption.
- (3) The local government 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) The local government will notify the person in writing of the decision. Including its reasons for the decision.



## **Part 6 Unmetered premises**

### **19 Unmetered premises**

Where the local government locates a premise not having a water meter installed, a meter will be installed and premises charged for water consumption at the next billing cycle.

## **Part 7 Charging**

### **20 General**

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

## **Part 8 Standpipes**

### **21 Metered standpipes**

(1) If the local government 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 the local government's water supply system or hydrants on a water main owned by the local government except by use of a metered standpipe hired from the local government.

Maximum penalty for subsection (1) – 50 penalty units.

(2) Metered Standpipes will be owned by and remain the property of the local government.

(3) Local government approval to take water from a standpipe on a water main of the local government will only be given if:

(a) the applicant uses a metered standpipe hired from the local government; and

(b) The applicant hires the metered standpipe from the local government on the conditions of use imposed by the local government.

(4) The holder of a permit must ensure that the conditions of approval are complied with.

Maximum penalty for subsection (4) – 50 penalty units.

### **22 Hire of metered standpipes**

(1) The hiring of metered standpipes will be subject to the conditions of use.

(2) The hirer must ensure that the conditions of use are complied with; and

(3) The hirer must complete the approved form – Long and short term standpipe hire form and T&C's.

Maximum penalty for not complying with subsections (1)-(3) – 50 penalty units.

## **Part 9 Wasting water**

### **23 Prevention of water loss and wastage**

Customers, owners and occupiers shall not allow water to run to waste from any pipe, tap, or other fitting.

Maximum penalty for section 23 – 10 penalty units.

## **Part 10 Supply and installation of water meters**

### **24 Prescribed activity**

- (1) Installation of a subsidiary meter within an existing or approved premises within a premises group is a category 2 prescribed activity.
- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2016* and this local law.

### **25 Activities that do not require permit**

Nil.

### **26 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 property the application must be made by the owner of the property;
- (c) if there is already a master meter installed then the master meter must be retained;
- (d) if a master meter has not been installed then a check meter will be installed; and
- (e) payment of the supply fee for the meter.

## **Part 11 Local government tap water usage**

### **27 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 property.

Maximum penalty – 10 Penalty units.

## CERTIFICATION

This and the preceding 7 pages bearing my initials is a certified copy of Cairns Regional Council *Local Law No. 14 (Town Water) 2016* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 27 January 2016.

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Peter Tabulo

Chief Executive Officer

Cairns Regional Council