



TWEED
SHIRE COUNCIL

Draft Policy

Reduction of Water Related Charges due to Undetectable Leakage

Version 3.0

Adopted by Council at its meeting on xxx

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Water and Wastewater
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Water Charging - Defective Services
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Reduction of Water Related Charges due to Undetectable Leakage

Policy Objective

This Policy provides financial relief to owners where significant excess water consumption is recorded without fault or negligence on the owner's behalf and the owner has acted quickly to rectify the problem once it is identified.

Definitions

Undetectable Leak: A leak that meets all of the following conditions:

- It is not readily visible (e.g. wet areas, pooling of water, water flowing in gutters, split hoses, broken taps).
- It is not readily audible (e.g. gurgling, hissing, dripping or other sounds suggesting a leak, fixtures or appliances refilling more frequently).
- It cannot be readily identified and located without professional assistance.

Property Water Supply Service: Any pipes or fittings that are connected, attached or serviced by town water supply anywhere after Council's water meter. This may include pipes and/or fittings that are not on the rated property. This does not include the pipe from Council's main to the water meter that is owned and maintained by Council.

Policy Background

Once water has passed through any water meter it becomes the responsibility of the property owner.

This policy applies to all metered water supply services provided by Council to Tweed Shire properties. It provides for a reduction of water consumption charges for the property in the event of an **undetectable leak** in the property water supply service.

This policy applies only to the leakage of water for which the property owner would have been charged. It therefore applies only to water lost once it has passed through the water meter provided by Council.

This policy also applies to sewer usage and liquid trade waste discharge related to the water consumption.

Policy

Council will only consider varying water related accounts where all of the following conditions are met.

- a. The applicant(s) is (are) the recorded owner(s) of the property with the undetectable leak.

- b. The leak was an undetectable leak as defined in this policy.
- c. The leak was not due to the deterioration or failure of fittings, fixtures or appliances that convey or utilise water such as hoses, seals, toilets, showers, taps, valves, hot water services, washing machines, dishwashers, water tank top-up systems, swimming pools, pumps or irrigation systems.
- d. A statement is provided with details of the problem, how and when it was discovered, how it was rectified and the date of repairs. The statement must demonstrate that the owner(s) was (were) proactive in attending to the leak.
- e. A copy of the invoice for the repairs on the undetectable leak carried out by a licensed plumber is provided, showing their licence number, the nature of the repairs and confirming in their opinion that the water loss was not readily visible or detectable in the property water supply service.
- f. Metered water consumption is in excess of the average consumption recorded at the property during the previous three (3) years or since the current owner took ownership of the property if this is less than three (3) years.
- g. The ***Application for Reduction of Water Related Charges due to Leakage*** is received within sixty (60) days of the issue date of the affected water account.
- h. The adjustment of water related charges meets the Entitlement Conditions outlined in this policy.

Application Process

To apply for a reduction of water related charges under this policy, the applicant must complete the corresponding form: *Application for Reduction of Water Related Charges due to Leakage*.

The application form must be forwarded to Council's Revenue and Recovery Unit in the first instance. Complex applications and disputes are referred to the Water and Wastewater Unit for resolution.

Statutory Declaration

A Statutory Declaration is required as part of the *Application* if a copy of the invoice for repairs is not included with the *Application Form*. When an *Application* is submitted together with a copy of the invoice for repairs due to leakage, the Statutory Declaration is not required as the invoice is accepted as proof of the leak.

Maximum Possible Reduction

Where an *Application for Reduction of Water Related Charges due to Leakage* meets the criteria specified above and the usage for the affected billing period is in excess of the average consumption recorded at the subject property during the previous three (3) years, or since the current owner took ownership of the property, the consumption which is in excess of the average usage may be reduced by 75% for the affected billing period.

Sewer usage and liquid trade waste charges related to the excess water consumption may also be reduced by 75% for the affected billing period.

Delegated Authority

The Revenue & Recovery Coordinator has delegated authority to make adjustments to consumers' water accounts as per this policy and to endorse any arrangements entered into with the applicant to pay the remaining balance by instalments.

The General Manager has delegated authority to make adjustments to consumers' water accounts where extenuating circumstances exist and adjustment requests that fall outside the criteria of this policy.

Entitlement Conditions

Adjustment for leakage per property water account shall only be granted twice in a five (5) year period per property owner. The five (5) year period begins again five years from the date of the first adjusted notice where an adjustment has been granted. The five (5) year period begins again on the date that a new property owner commences ownership of the property.

For multi-unit strata properties, adjustment for leakage shall only be granted twice in a five (5) year period for each individually rated property and twice in a five (5) year period for common property within the strata development. The Statutory Declaration in the *Application* must clearly identify which individual strata property was affected or whether the leakage was found on common property.

Should a leak occur over more than one billing period, Council may adjust the excess consumption for up to a maximum of two (2) billing periods.

Where extenuating circumstances exist, adjustment requests that fall outside the criteria of this policy, may be reviewed by the General Manager on an individual basis.

Sewer Usage and Liquid Trade Waste Charges

For non-residential and non-strata multi-unit properties that are subject to sewer usage and liquid trade waste charges, Council may adjust these charges that are related to excess water consumption approved under this policy.

Exclusions

Council will not reimburse the applicant for the cost of locating leaks or repairs to an undetectable leak.

An undetectable leak is not a leak resulting from the deterioration or failure of fittings, fixtures or appliances that convey or utilise water such as hoses, seals, toilets, showers, taps, valves, hot water services, washing machines, dishwashers, water tank top-up systems, swimming pools, pumps or irrigation systems.

Misuse, illegal or accidental use of water by owners, rental tenants, residents or any other person will not be considered under this policy.

Water that is believed to have been stolen will not be considered under this policy and should be directed to the Police for investigation.

Where a leak on the property side of the water meter and/or damage to the property water service, fittings and fixtures has occurred due to excessive pressure in Council's water reticulation system, Council will consider such incidents on a case by case basis. Such incidents are considered to be outside the scope of this Policy and the property owner should contact Council's Water and Wastewater Unit so that the matter can be fully investigated.

Owner's Responsibilities

The ongoing maintenance and periodic replacement or upgrade of fittings, fixtures and appliances that convey or use water on the property are the responsibility of the property owner.

Council recommends that the hoses supplying water to any water-using fixtures and appliances (e.g. toilets, washing machines, dishwashers, garden watering systems) are checked regularly to avoid deterioration and sudden failure.

Properties that are left unoccupied for extended periods should be inspected regularly to ensure that the failure of fittings, fixtures and appliances does not occur while the property is unattended. Owners should consider isolating the water supply provided at the meter if no usage is needed within the property.

Once an adjustment has been made on a property water account, the owner and resident are reminded to closely monitor their water consumption as there is a strict limit on the number of adjustments allowed per property as per the Entitlement conditions outlined in this policy.

Application by Multi-Unit Properties

For multi-unit properties including duplexes and triplexes that are not individually metered by Council, only the representative owner(s) of the property can apply for the reduction in charges. This is the person, company, association, corporation or Body Corporate that water accounts are sent to. Council will not apportion any reduction it provides to sub-owners.

Related Legislation

The Local Government Act 1993 and Local Government (General) Regulation 2005 confer on Council the authority to raise charges for water consumption, sewer usage and liquid trade waste discharge. Refer Section 502 of the Act and Sections 159-160 of the Regulation.

Compliance

Not Applicable.

Forms

Application for Reduction of Water Related Charges due to Undetectable Leakage.

Review Period

The information contained in this Policy is valid until the earlier of:

- A period of five (5) years from the adoption date (refer front cover).
- Revision of relevant sections of the Local Government Act 1993 or Local Government (General) Regulation 2005.

This Policy will be reviewed within twelve (12) months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

Useful Links

[Tweed Shire Council website](#)

[Division of Local Government](#)

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
1.0	First version prepared in response to customer need. Original title: Water Charging – Defective Services.	15/12/2004
1.1	Minor changes and corrections.	13/11/2007
1.2	Minor changes and corrections.	30/10/2008
2.0	Significant expansion and new format. New title.	25/6/2013
2.1	Minor changes and clarification about the need for a Statutory Declaration prior to readoption by Council	19/6/2017 Adopted by Council 17/8/2017 Min No 402
3.0	Policy renamed to include Sewer Usage and Liquid Trade Waste charges. Changed Entitlement conditions.	16/7/2018