

Water Determination Policy

Leadership

Our Council has the trust of the community and well informed decisions are made to ensure long term sustainability of our shire

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1. Objectives

To provide a determination (or adjustment) to the owner of a property in a situation where high-water usage on a water & sewerage account is the result of circumstances that are beyond the owner's control.

2. Policy

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

There is no provision in the Local Government Act 1993 that require or allow for a water & sewerage account to be adjusted for high water usage that is the consequence of a water leak, so it becomes the Policy of the respective Water Authority of whether an adjustment is provided.

This policy provides some (but not full) compensation to an owner where high-water usage was the result of a concealed, undetectable or an inaccessible leak.

Provisions

Council will provide an adjustment under this Policy where the following conditions are met:

- An application for a determination under this Policy will not be accepted where the water & sewerage account is in arrears unless the owner has previously entered into an arrangement to pay those arrears, and
- Where a water & sewerage account is not in arrears, the access charges on the affected notice(s) should also be finalised by the due date of the notice(s), as any adjustment will only be made in respect of the water usage charges, and
- An application for an adjustment under this Policy must be received by the due date of the affected water and sewerage account(s), and
- The applicant must an owner of the property, or their authorised agent, and
- One claim will be offered per property, per seven (7) year period of ownership irrespective of whether ownership is sole or part ownership of the property, and
- A claim for adjustment under this Policy must be made in writing and include a copy of the invoice for any repairs undertaken by a licensed plumber, and
- The Council must be satisfied that the leak would not have been noticed in day to day activities either because it was concealed, undetectable or not easily accessed, and
- The Council must be satisfied that any repairs have been undertaken in a timely manner, and
- Before an adjustment is processed to a water & sewerage account, the owner is required to sign and return a deed of release to Council agreeing to the claim;
- If the repair of the leak has not been undertaken by a licensed plumber, a statutory declaration must be provided by the owner stating:
 - Who has repaired the leak;
 - The address where the work was carried out;
 - The date, nature and location of the repairs;
 - A statement that the defect was not readily visible or apparent.

Extreme weather event

Where an extreme weather event (like flooding) masks the presence of a leak or delays the repair of a leak, Council may choose to:

- provide an adjustment over more than one (1) billing period provided they are consecutive billing periods, and
- accept an application for a water determination outside of the deadline required by this Policy.

An extreme weather event counts as a claim within a 7 year period.

Applications that are not successful

Where an application for a determination under this Policy is not successful, the owner will be allowed thirty (30) days from the date of the advice to pay the outstanding usage charges.

Property owners who have a Private Water Service Agreement with Council for the supply of water are ineligible to claim for a determination under this Policy.

Calculation of the adjustment

The maximum adjustment provided will be equal to 50% of the difference between the water usage charge of the affected account and an estimate of the average consumption for that period calculated using the usage of the four (4) billing periods immediately preceding the affected notice.

Where current ownership of the property is less than two (2) consecutive billing periods, Council may choose to obtain two (2) additional readings over consecutive months to determine the average consumption to be used when calculating the adjustment.

Where the leak appears to affect more than one billing period, Council may choose to replace the additional affected billing period from any calculation with the usage from another billing period.

3. Scope

This Policy applies to all Councillors and Council's Officers and manages the recovery of all debt owed to Council.

4. Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

4.1 Councillors

Councillors, General Manager and the Executive shall be aware of the process described by this Policy.

4.2 Executive

The Executive shall be aware of the process described by this Policy.

4.3 Chief Financial Officer

The Chief Financial Officer shall:

- provide guidance to Councillors, Executive and other Council staff as to the content and implementation of this Policy;
- ensure the timely review of this Policy; and
- conduct investigations into alleged non-compliance with this Policy.

4.4 Managers

Managers shall:

- provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

4.5 Council staff

Council staff shall:

- be aware of the process outlined by this Policy and of the need to seek assistance and guidance from Council's Revenue Team.

5. Performance Measures

The success of this Policy will be measured by:

- The number and dollar value of applications processed;
- The number of applications rejected;
- The number and type of feedback received.

6. Definitions

Water Determination An adjustment provided to a water & sewerage account

7. Related Material

7.1 Related Legislation

The following legislative material is related to this Policy:

- The Local Government Act 1993

7.2 Related Policies, Procedures and General Manager Practice Notes

The following **policy** is related to this Policy:

- Council's Revenue Policy included in the Annual Operational Plan

8. Non-compliance with this Policy

Non-compliance with this Policy should be reported to the Chief Financial Officer who will investigate and determine the appropriate course of action.

9. Document Control

9.1 Version Control

| Version | Adoption Date | Notes |
|---------|-----------------|--|
| 1.0 | 9 December 2009 | Initial adoption of document |
| 2.0 | 17 May 2023 | The policy has been updated to ensure a determination can now be received at a minimum once every seven years, and includes provisions for consideration during extreme weather events such as flooding, where leaks are more difficult to identify. |

10. Attachments

There are no attachments to this Policy.

Approved by:

WINGECARRIBEE SHIRE COUNCIL

17 May 2023