

Concession for Concealed Water Leaks Policy

Infrastructure Services - Water

INFR_02

COUNCIL POLICY			
Date Adopted by Council	24 June 2022	Council Resolution	2022/06/24.18
Effective Date	01 July 2022	Next Review Date	30 June 2023
Responsible Officer(s)	Chief Operating Officer - Water & Waste	Revokes	LSP_INFR_57

Purpose

The purpose of this Policy is to guide Council as to how to apply and administer a rebate to Water Consumption Charges where a Concealed Leak has occurred, and a ratepayer has received a larger than usual Water Notice which will otherwise result in financial hardship to the ratepayer.

Scope

This Policy is applicable to ratepayers who are issued with a Water Notice, in keeping with Council's Revenue Policy, who will experience financial hardship due to a larger than usual Water Notice due to a Concealed Leak.

Applicable Legislation

Plumbing and Drainage Act 2018 (Qld) (PDA)

Plumbing and Drainage Regulation 2019 (Qld) (PDA Regs)

Local Government Act 2009 (Qld) (Act)

Local Government Regulation 2012 (Qld) (Regulation) Chapter 4 Part 10

Queensland Plumbing & Wastewater Code (Code)

Policy Statement

1. Council has resolved to grant a rebate, pursuant to section 120(1)(c) and 121(1)(a) of the Regulation, to Water Consumption Charges, where a Concealed Leak has occurred, and a ratepayer has received a larger than usual Water Notice which will result in financial hardship to the ratepayer.
2. In instances of a Concealed Leak, a rebate of a part of the Water Consumption Charge in respect of the estimated quantity of water lost through the Concealed Leak may be granted, with the amount of the rebate to be determined by the CEO or a delegate of the CEO in accordance with this Policy.
3. Applications to Council for the rebate must be lodged by the registered property owner or body corporate using the Concealed Water Leakage Application Form, which must be fully completed, including the section to be completed by the licensed plumber undertaking the repair of the Concealed Leak and all available evidence to establish that the leak was a Concealed Leak.
4. A Council plumbing inspection may be requested and conducted before the pipes are covered, for further evidence to confirm the site and nature of the leak, and the standard of the water reticulation within the property. No fee will be charged by Council for this inspection.

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5. The licenced plumber engaged by a property owner to repair a Concealed Leak shall, in addition to completing the relevant section in the Form, submit to Council a copy of a "Notifiable Work" lodgement receipt for the Form 4 that has been lodged with QBCC in accordance with the PDA (where applicable).
6. Where a concession for a Concealed Leak has been approved, the applicable concession will be calculated as follows:
 - a) The assessed volume of water lost due to the Concealed Leak (the 'Concealed Leak Usage') is the Water Consumption in the period for which the concession is being sought less the Average Water Usage for the property, subject to the any maximum limits identified elsewhere in this Policy.
 - b) The charge for the Concealed Leak Usage will be:
 - i. if the Average Water Usage is less than the Tier 1 Quantity, for that volume of the Tier 1 Quantity attributable to the Concealed Leak Usage (after the Average Water Usage has been accounted for) charged at the Tier 1 Rate, plus any balance Concealed Leak Usage charged at the Tier 2 Rate; or
 - ii. if the Average Water Usage is greater than or equal to the Tier 1 Quantity, the Concealed Leak Usage charged at the Tier 2 Rate.
 - c) The rebate for the Concealed Leak will be:

$$\text{[the charge for Concealed Leak Usage (calculated as per clause 6.b)]} \times 50\%$$
 - d) For avoidance of doubt, there will be no rebate on the balance 50% of the charge for the Concealed Leak Usage.
7. For purposes of calculating the rebate, the Concealed Leak Usage will be capped at 1,000 kilolitres per property connection for single residential property owners and all non-residential property owners.
8. Where the property is a multi-dwelling property, the Concealed Leak Usage will be capped for purposes of calculating the rebate as follows:

2-5 Dwellings	750 kilolitres per unit or assessment
6-10 Dwellings	500 kilolitres per unit or assessment
>10 Dwellings	350 kilolitres per unit or assessment

9. Where the residential property is the Principal Place of Residence of an eligible Pensioner, there will be no cap applied to the Concealed Leak Usage, in calculating the rebate.
10. The property owner will remain responsible for all balances due to Council after the credit for the concession has been applied to the assessment.
11. Once a Concealed Leak rebate has been granted for a given assessment, the property owner will not be eligible for any further rebates due to Concealed Leaks for that assessment for a period of two (2) years. Assessments within a Community Title Scheme arrangement will be eligible for one rebate for each assessment, as long as a separate Water Access Charge is being levied on each assessment.
12. Application will only be accepted for Concealed Leak rebates for the current billing period. The application period will close for this period after the next billing period issue date.

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13. As the primary responsibility for water consumed through a water connection remains with the owner of the property, Council reserves the right to amend, vary or determine any rebate based on the facts and circumstances of individual cases.
14. Interest will accrue on all applicable balances against the assessment, in accordance with Council's Interest on Overdue Rates, Charges & General Debtors Policy while an application for a rebate due to a Concealed Leak is being assessed.

Definitions

Average Water Usage refers to the average of the water usage for the property for the preceding four (4) billing periods. However, the use of a four (4) period average will be subject to availability of historic data. Where four (4) periods of data are not available (e.g. a new residence constructed one year ago), any available data will be used to calculate the average.

Where a property has changed ownership, only Billing Periods under the current ownership will be deemed relevant for the calculation of the average Water Consumption.

Where the property has no historic data, the average consumption after the leak has been fixed may be used to determine the average water use under this policy.

Billing Period refers to the time between meter readings and does not refer to the issue date or the payment due date on the Water Notice.

CEO refers to the Chief Executive Officer of Council appointed in accordance with the Act, or any person acting in that role.

Council refers to the Whitsunday Regional Council.

Concealed Leak refers to a leak within a property's internal water infrastructure (up to and including where the pipes connect to the meter) that is not apparent and could not reasonably be expected to be apparent, as determined by Council (i.e. hidden from view and no visible signs indicative of a leak due to it being at a considerable depth, underneath a building, footpath or concrete drive or similar reasons).

A **Concealed Leak** will not include leaks that are caused by:

- (a) the use of incorrect materials;
- (b) workmanship which is not consistent with applicable sections of AS/NZS 3500.1;
- (c) internal infrastructure being of excessive age and/or in a poor state of repair;
- (d) as a result of any form of construction activity, including landscaping and gardening activities;
- (e) vandalism, theft or carelessness;

or where:

- (a) the leak occurred in pipework, fittings or appliances located within or on a building or structure;
- (b) the leak occurred in a swimming pool, spa or other water feature, or the fittings or pipework supplying them;

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- (c) the leak occurred in pipework, fittings or appliances used in garden watering or irrigation; or
- (d) no action was taken to locate and repair the leak within fourteen (14) days of the leak becoming apparent.

A leak will be considered to have become apparent upon the ratepayer receiving an excessive water consumption alert or a higher than usual Water Notice from Council.

Form refers to “Application for Concession due to Concealed Leak” form.

Pensioner refers to a holder of either a Queensland Pensioner Card issued by Centrelink or Department of Veterans’ Affairs (“QPCC Card”) or a Department of Veterans’ Affairs Health Card for all conditions (“Gold Card”).

Principal Place of Residence refers to a single dwelling where the registered owner (ratepayer) resides for more than 60% of the relevant financial year, as evidenced through the electoral roll, taxation, pension records or other document acceptable to Council.

QBCC refers to the Queensland Building & Construction Commission.

Tier 1 Rate refers to the Tier 1 Rate of the Water Consumption Charge as defined in the Revenue Statement.

Tier 1 Quantity refers to the quantity of water charged at the Tier 1 Rate as defined in the Revenue Statement.

Tier 2 Rate refers to the Tier 2 Rate of the Water Consumption Charge as defined in the Revenue Statement.

Water Consumption refers to the water that has passed through the metering device used by Council or the estimated water consumption that has been determined by Council in the event that a metering device is found to be faulty or to have been interfered with so as to not properly record water supplied to the property by Council.

Water Notice refers to the notice issued by Council to the owner of a property which contains the Water Consumption Charges for the property within the Billing Period.

Related Documents

Revenue Statement

Interest on Overdue Rates, Charges & General Debtors Policy

Application for Concession due to Concealed Leak Form

Concealed Water Leakage Procedure

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Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.