

# Gladstone Regional Council

## Council Policy

<b>Title</b>	<b>CONCEALED WATER LEAK CONCESSION</b>
<b>Policy Number</b>	<b>P-2021-12</b>
<b>Business Unit/s</b>	<b>FINANCE GOVERNANCE AND RISK</b>
<b>Date of Adoption</b>	
<b>Resolution Number</b>	
<b>Review Date</b>	
<b>Date Repealed</b>	

### 1.0 PURPOSE:

To set out Gladstone Regional Council guidelines for the assessment of requests for concession arising as a result of increased water consumption charges attributed to a concealed leak on a residential property.

### 2.0 SCOPE:

This policy applies to property owners connected to a Council operated water reticulation scheme where high water consumption charges have been incurred on a residential property and the charges are attributed to a concealed leak defined under section 6.2 of this policy.

### 3.0 RELATED LEGISLATION:

*Human Rights Act 2019*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Water Supply (Safety and Reliability) Act 2008*

*Plumbing and Drainage Act 2018*

### 4.0 RELATED DOCUMENTS:

- Application for Concession of Water Consumption Charges due to a Concealed Leak
- Plumber's Report on Repair of Concealed Leak
- High Water Consumption Letter.

### 5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

***Average Daily Water Consumption*** means the average amount of water consumed daily during a billing period.

**Billing Period** as defined in Schedule 3 of the *Water Supply (Safety and Reliability) Act 2008*:

“for premises of a customer of a water service provider, means a period during which the water service provider measures the volume of water supplied to the premises for the purposes of charging for the water”.

**Concealed Leak** means a leak that has occurred in the internal water reticulation pipe from the property water meter to structures on the property, where a resident on the property could not reasonably be expected to be aware of the existence of the water leak (e.g. because the water leak occurred underground, under or within concrete paving, or underneath a structure).

**Estimated Average Daily Water Consumption** means the daily average amount of water consumed during a billing period at the property, calculated by the total water consumption over the total days, within the period of the four (4) previous billing periods. For example, the last two years (based on six monthly billing periods) before the current billing period in which the concealed leak was detected.

**High Water Consumption** means a level of average daily water consumption that is 40% or more in the current billing period compared to the level of estimated average daily water consumption in the previous four billing periods.

**High Water Consumption Letter** means a letter issued by Council, either during a billing period read cycle, or when the water consumption bill is calculated, where Council suspect that the property has had high water consumption.

**Property Owner** is as defined in Schedule 4 of the *Local Government Act 2009* as ‘owner of land’ and ‘ratepayer’ as defined in Schedule 8 of the *Local Government Regulation 2012*.

**Property Water Meter** means the metering device used by Council to record water that has passed through the meter on the property.

**Residential Property** means property that has as its primary use, use for residential purposes<sup>1</sup>.

**Revised Water Consumption** means the water consumption estimated by Council, at its absolute discretion, that would have occurred had there been no concealed water leak on the property.

**Water Consumption** means the water that has passed through the property water meter as recorded by that meter or the estimated average daily water consumption that has been determined by Council in the event of a property water meter being found to be faulty or to have been interfered with so as to not properly record water supplied to the property by Council.

## 6.0 POLICY STATEMENT:

### 6.1 Principles

Pursuant to section 70(1) of the *Plumbing and Drainage Act 2018* (Qld), the property owner has primary responsibility for water leaks on the property side of the water meter and any charges for water consumption that arise from water passing through the property water meter. Responsibility for the maintenance and repair of the internal water reticulation pipes (i.e. pipes on the property owner's side of the water meter) rests solely with the property owner.

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<sup>1</sup> This is shown by the land use codes applied by the Valuer General when valuing the property for rating purposes.

Council has responsibility for water leaks in its water supply network, on the water supply network side of the property water meter, including for any water leaks attributable to the property water meter itself, but not beyond the water meter on the property side of the meter. For example, where the meter is leaking on the property side of the meter, the responsibility for the repair rests with the property owner.

Support will be provided to property owners that may be experiencing high water consumption on their property by providing a proactive program for the identification of high water consumption. Where high water consumption is identified, Council will seek to advise property owners of any such significant increase in water consumption to allow the property owner to undertake investigations and corrective actions if the high water consumption is as a result of a concealed leak or some other cause.

Property owners should not solely rely on Council to advise them of high water consumption (which may be as a result of a concealed leak). Property owners are encouraged to proactively monitor their water consumption and regularly read the property water meter as significantly increased water consumption, and/or water consumption at night or water consumption when the property is unoccupied are primary indicators of the potential for a concealed water leak.

Under section 120(1)(c) of the *Local Government Regulation 2012*, Council may grant a concession if it is satisfied that "*the payment of rates or charges will cause hardship to the landowner*". Council has determined that it will grant such a concession for water consumption charges for high water consumption arising out of a concealed leak as set out in section 6.2 of this policy.

## **6.2 When Concessions WILL be Applied**

Applications for concession of water consumption charges on a property due to a water leak will be considered where an application is made to Council by the property owner and:

1. The property's primary use is for residential purposes
2. The property has experienced an instance of high water consumption
3. The high water consumption is attributable to a concealed leak on the property as defined in this policy
4. The property owner took reasonable steps to ensure that the leak was repaired as soon as possible, but not exceeding 28 days from the date the leak was detected or within 28 days of a high water consumption letter being issued
5. The leak was repaired by a licenced plumber and a report by the licensed plumber is supplied
6. The application is received within one year of the leak
7. The application is accompanied by a Statutory Declaration by the property owner stating that the property owner was responsible for payment of all water consumption charges with respect to the property. In circumstances where the property is leased, the Statutory Declaration must include the details of the Lessee and an authority for Council to speak with the Lessee in relation to water charges.

## **6.3 When Concessions WILL NOT be Applied**

Leaks in any other area of the property owners property are not covered under this policy. This may include but is not limited to tap leaks, pool leaks, hot water system leaks, leaks in showers, bathrooms, toilets, any walls in the building, irrigation systems, solar systems, as a result of building or demolition works.

#### 6.4 Amount of Concession Available

A concession will be provided to the following amount:

1. The maximum concession per property will not exceed an amount equivalent to 600 kilolitres for Council's operated water reticulation scheme to which the property is connected, within that billing period; and
2. The maximum concession will be calculated on 50% of the difference between the levied water consumption and the estimated average daily water consumption, where the difference is greater than 40% of the average daily water consumption of the previous four billing periods.

The estimated average daily water consumption will be calculated up to the date of repair of the concealed water leak, if a reading is supplied. In its absence, the last property water meter reading date will be used. This is necessary so that all water consumption recorded on the property water meter, as a result of the concealed water leak but not yet levied, is considered in the one request for concession. If a reading is not supplied, then no further concession will be available.

Additional applications for concession will not be considered where a concession has previously been granted for a property within the last two years. Should satisfactory evidence be provided to establish that the internal water reticulation pipes had been repaired following a previous leak and the additional application is for a new leak in a new location, the application will be considered on its own merits. A map showing the location of both leaks will need to be provided as part of the additional application for concession.

No concession or reimbursement will be given for any repairs associated with the concealed leak and no concession will be given in the event excavations or building works at the property have occurred within six months prior to the concealed water leak being detected.

#### 6.5 Lodging a Request for Concession

Requests for concession must be received in writing and must be accompanied by:

1. Application for Concession of Water Consumption Charges due to a Concealed Leak; and
2. Plumber's Report on Repair of Concealed Leak detailing:
  - The date the concealed water leak was detected and/or the date the high water consumption letter was issued by Council
  - The concealed water leak was repaired by the licenced plumber
  - The date the concealed water leak was repaired
  - That the concealed water leak was in the internal water reticulation pipes from the property water meter to the structure on the property
  - That the leak was in a location and/or of a nature which contributed to it not being evident
  - Any reason as to why it took more than 28 days to repair the leak.

Notwithstanding an application under this policy, the 10% discount on rates and charges will be granted provided payment of all the amounts due, except for the water consumption charge which is the subject of this application, is received by the relevant due date.

#### 7.0 ATTACHMENTS:

Nil

**8.0 REVIEW MECHANISM:**

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Annually in preparation for budget adoption.

<b>TABLE OF AMENDMENTS</b>			
<b>Document History</b>	<b>Date</b>	<b>Council Resolution No.</b>	<b>Notes (including the prior Policy No, precise of change/s, etc)</b>
Originally Approved	21 June 2016	G/16/2824	
Amendment 1	20 December 2016	G/16/2959	
Amendment 2	6 June 2017	G/17/3065	
Amendment 3	19 June 2018	G/18/3436	Formerly Policy P-2017-18
Amendment 4	18 June 2019	G/19/3817	Formerly P-2018-20
Amendment 5	07 July 2020	S/20/4242	Formerly P-2019-09
Amendment 6			

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**CHIEF EXECUTIVE OFFICER**