

10.8 Policy (New) - Concealed Water Leaks.DOC

**POLICY NAME:** Concealed Water Leaks – Financial Assistance  
**POLICY REF:** TBA  
**MEETING ADOPTED:** Resolution No.  
**POLICY HISTORY:**



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### **OBJECTIVE**

To clarify the financial assistance Council will provide for excessive water bills as a result of a concealed water leak.

### **POLICY**

Council recognises that in certain circumstances a water consumer may incur a significant water bill due to the unforeseen circumstances of a concealed water leak.

This can place unreasonable financial pressure on a consumer's finances as the resultant excess water bill represents an amount owing to Council that was unplanned for and may adversely impact the monies available for a person's day to day living.

Also the charging of the Step 2 rate for the remainder of the financial year for a consumer, who has exceeded the 350 kilolitre Step 1 threshold allowed by Council, can also be regarded as inequitable when the historical consumption figures for that consumer are usually less than this 350 kilolitre allowance.

In recognition of these matters Council will grant financial assistance to residential property owners experiencing substantially higher than normal water consumption charges due to a concealed water leak event by applying a different charging structure for the water consumed based on the following guidelines:

- a) The Step 1 rate will apply for all water estimated to have been lost in the water leak event. The consumer will remain fully liable for this charge.
- b) The Step 1 rate will apply for the remainder of the rating year, unless the normal water consumption for the property exceeds the 350 kilolitre Step 1 allowance, at which time water consumption will be charged at the Step 2 rate, once that normal consumption allowance has been applied.
- c) Consumers may apply for an interest free repayment plan over a reasonable period of time to help pay for any significant increase in their normal water charges. The maximum period for this relief is 12 months from the determination, by Council, of the concealed water leak claim.

### **Exclusions**

- Loss of water from faulty fixtures and fittings such as taps and toilet cisterns, or appliances such as dishwashers and washing machines, is not considered a concealed water leak.
- Leaks from swimming pools, spas or water features are not included in this policy as they are not considered as plumbing.
- If a consumer is negligent in failing to take action to repair a leak, no adjustment will be made for water lost due to this inaction.

### **Application Criteria**

- All applications are to be made in writing and will only be accepted for residential properties.
- The applicant must provide evidence, to the satisfaction of the General Manager or nominated delegate, proving the leak was concealed, that the consumer was unaware of the leak and confirmation that the leak has been repaired.
- Where a licenced plumber's report is not available alternate proof is to be provided and should include photographs.
- The application must be received within two months of the date of issue of the rates and charges notice detailing the high consumption, or any other relevant notification from Council, whichever is the earliest.

### **Account Adjustment Guidelines**

- The adjustment relates to only the water consumption lost in the concealed leak event.
- The increase in consumption determined by Council, to be above the normal consumption, will be adjusted to the Step 1 rate per kilolitre.
- Apart from the consumption determined to be above normal consumption, all normal water consumption will be subject to Council's two step (Step 1 and Step 2) charging structure.
- Adjustments will not be made for amounts under \$50.
- The amount of the adjustments will not be recorded as a write-off in Council's financial records as there has been no write-off, as a separate pricing policy applies (i.e. Step 1 rate) for concealed water leaks, as per the contents of this policy.
- All adjustments are to be determined by the General Manager or nominated delegate.

### **Interest Free Period Extensions**

#### Extension Guidelines

- Interest free payment extensions for large accounts, caused as a result of a concealed water leak, will be granted on a case by case basis.
- Upon application by the property owner, the interest free period will be negotiated with the applicant and will be approved by the General Manager or nominated delegate. The maximum interest free period is 12 months from the application determination date.
- If rates and charges not relating to a concealed leak are overdue, debt recovery action relating to those overdue amounts will continue.
- Amounts relating to the leak event will be excluded from debt recovery action whilst the repayment arrangement is being met.

### **BACKGROUND**

Due to aging plumbing, property owners will experience failures in pipes causing water to be lost from plumbing that is behind walls or underground.

These concealed water leaks can sometimes occur over a period of a few months and are either discovered by Council staff in high consumption reporting, when the water meter is read for quarterly water billing, or when a larger than usual water bill is received by the consumer.

Council recognises that in certain circumstances it is reasonable to provide financial assistance and this policy helps to ensure that any decisions in respect to assistance are made on a consistent and equitable basis.

### **DEFINITIONS**

- **Concealed Water Leak** - A concealed water leak is defined as water leaking from plumbing that is hidden from view and would generally be behind walls or under-ground. Obvious water leaks in paddocks, yards and gardens are generally detectable by finding lush grass or boggy ground from visual inspection.
- **Step 1 and Step 2** – Refers to the pricing per kilolitre consumed as per Council's Schedule of Fees and Charges. The Step 2 pricing, which is typically 50% higher than Step 1, applies following the usage of 350 kilolitres per rateable year.

### **SCOPE OF POLICY**

This policy applies to:

- Council employees
- Councillors
- Property owners and water consumers

### **RELATED DOCUMENTATION**

Related documents, policies and legislation:

- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2005
- Ballina Shire Council Water Metering Policy

### **REVIEW**

The Concealed Water Leaks – Financial Assistance Policy is to be reviewed every four years.

**Sandra Bailey**

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**From:** Rob Evans <matcar@bigpond.net.au>  
**Sent:** Monday, 21 August 2017 9:23 PM  
**To:** Councillors  
**Cc:** Ballina Shire Council  
**Subject:** FW: Freda Evans 54 Commercial Road, Alstonville  
**Attachments:** Freda Evans Letter to Council.pdf; BALLINA SHIRE WATER NOTICE.pdf; BALLINA COUNCIL LETTER.pdf

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**From:** Rob Evans [mailto:matcar@bigpond.net.au]  
**Sent:** Monday, 21 August 2017 5:21 PM  
**To:** 'Councillor David Wright'; council@ballina.nsw.gov.au  
**Cc:** council@ballina.nsw.gov.au  
**Subject:** FW: Freda Evans 54 Commercial Road, Alstonville

Attention Mr Paul Hickey  
General Manager Ballina Shire Council

Hi Paul, My name is Rob Evans and I was speaking to Councillor David Wright this morning in regards to an issue with an Excess Water Account for my 89 year old Mother in Alstonville, Please see emails below and copies of the Rates Notice, Plumbers Account, Doctor Michael Leslie's Letter about my Mothers condition and also letter received from Mr Peter Kennedy dated 24<sup>th</sup> July 2017. In the above attachments.

Paul, in reference to the letter from Peter I understand and Thank You very much for reducing the Excess Water Account from \$ 2,561.02 to \$ 1,928.14 however may I please ask you if you would take this issue to a Council Meeting for discussion and consideration be given to have the Excess Water Account be Written Off because of the circumstances of my mother.

Paul, I do hope that the Ballina Shire Council can see the issues that I have with my mother and they see that favourable to her by writing the debt off and I would be very thankful.

Thank you very much for the time to read my email and I look forward to your reply in due course.

I may be contacted on 0404 878717, as I have said I live in Western Australia and there is a 2 hour time difference.

Thanks You  
Rob Evans  
0404 878717.

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**From:** Rob Evans [mailto:matcar@bigpond.net.au]  
**Sent:** Sunday, 20 August 2017 12:44 PM  
**To:** 'Councillor David Wright'  
**Cc:** 'council@ballina.nsw.gov.au'; 'Rob Evans'  
**Subject:** FW: Freda Evans 54 Commercial Road, Alstonville

Good Afternoon David,

## 10.8 Policy (New) - Concealed Water Leaks.DOC

David I was wondering if it would be at all possible to visit you in Ballina to discuss the details of the excess water account of Freda Evans, I could make the trip from Perth to Ballina and be available to meet with you and the General Manager from Tuesday 29<sup>th</sup> August to Wednesday 6<sup>th</sup> September, would this be possible. I await your reply. Many Thanks David.

Rob Evans  
0404 878717.

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**From:** Rob Evans [mailto:matcar@bigpond.net.au]  
**Sent:** Tuesday, 15 August 2017 11:20 PM  
**To:** 'Councillor David Wright'  
**Cc:** 'Rob Evans'  
**Subject:** FW: Freda Evans 54 Commercial Road, Alstonville

Hi David, I am just emailing you to advise that I have not heard anything or received any correspondence from the general manager of the council in regards to the letter received and sent to you on 24<sup>th</sup> July 2017 re Water Consumption Charges of \$ 1928.14. Would it be at all possible to have his email address or would you be so kind to forwards this email to him.

Many Thanks David

All the best.  
Rob Evans  
0404 878717.

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**From:** Rob Evans [mailto:matcar@bigpond.net.au]  
**Sent:** Monday, 24 July 2017 6:03 PM  
**To:** 'david.wright@ballina.nsw.gov.au'  
**Cc:** 'Rob Evans'  
**Subject:** FW: Freda Evans 54 Commercial Road, Alstonville

Good Afternoon David, Are you able to confirm that you received my email below dated 17<sup>th</sup> August 2017 and also please see attached account for water received today. Would you please consider my request as stated in my letter below and if possible are you able to email or call me to discuss.

Many thanks David

All the best

Rob Evans.  
0404 878717.

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**From:** Rob Evans [mailto:matcar@bigpond.net.au]  
**Sent:** Monday, 17 July 2017 6:45 PM  
**To:** 'david.wright@ballina.nsw.gov.au'  
**Cc:** 'Rob Evans'  
**Subject:** FW: Freda Evans 54 Commercial Road, Alstonville

Hello Mr David Wright, Mayor of Ballina,

My name is Rob Evans and I am writing to you today to see if I may have your assistance with an issue that had happened at my elderly mothers house at 54 Commercial Road Alstonville some weeks ago. As you can see by my letter below and correspondence in PDF Attachment I am seeking your help here.

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I live in Perth and have an elderly mother who is house bound and never leaves her house and to cut a long story short ( as it is in my letter to council below on 30<sup>th</sup> June 2017 ) I received a call from Megan from Ballina Shire Council regarding her excess water account and since have had a call from Peter Kennedy from Ballina Shire Council and he basically stated that he may be able to reduce her account but that's all that could be done by him hence my email to you.

Because my mother has never left her house she had no chance to see this issue and Peter said that with a discount the account would still be in excess of \$ 1900.00, my mother has less than \$ 5000.00 in her bank account and if she had to pay this account that would cripple her and would certainly not be able to make her other commitments.

David what I am asking is there any way that council would wipe the excess water account because as Megan and Peter said she is normally a very light water user and for something like this to happen to her would be very distressing.

I would really appreciate your assistance with this David due to the fact that was an unavoidable circumstance.

I thank you for taking the time to read my email and welcome your reply.

Much Appreciated

Rob Evans for Freda Evans  
0404 878717.

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**From:** Rob Evans [<mailto:matcar@bigpond.net.au>]  
**Sent:** Friday, 30 June 2017 10:34 PM  
**To:** 'council@ballina.nsw.gov.au'  
**Subject:** Freda Evans 54 Commercial Road, Alstonville

To Whom It May Concern

My name is Rob Evans and I am the son of Freda Evans of 54 Commercial Road Alstonville and I am writing to you in regards to a telephone call I received on 28.06.17 from Megan at Ballina City Council advising me of excessive water use at my mother's house.

I live in Perth Western Australia and received a call from my mother's lawnmower man stating that the back lawn was very wet and it looked like there was a burst water pipe somewhere under the ground, I immediately called North Coast Plumbing and they went straight down to see what the problem was and to fix it immediately.

My mother is an 89 year old pensioner who lives alone and is house bound and has never been outside her house in over 20 years, her mobility is virtually nil so for her to notice something like this would be impossible.

As I said I live in Perth and I am mum's power of attorney and try to handle all her affairs from here which sometimes is difficult when issues like this arise and we don't know until someone like the lawnmower man advises us of a leaking pipe underground.

Mum's water usage is light going by her previous accounts and to receive a phone call from Megan stating that this water account could be over \$ 2000.00 would absolutely cripple her and as a pensioner simply could not afford to pay it. I am asking if consideration could be taken into mum's circumstances and no excess water charges be charged.

Please see attached Invoice and report by North Coast Plumbing and also a Letter from her Doctor in regards to her health status when she was last accessed in April 2017.

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I do hope that you are able to help and I look forward to your reply.

My contact details are below.

Thank You very much for your time.

Rob Evans  
0404 878717

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Tax Invoice To  
**Rob Evans**

**Thornton Family Trust**  
PO Box 424  
Alstonville  
NSW 2477

Licence No. 150639C  
ABN No: 32 905 256 417  
Phone: (02) 66287282  
Fax: (02) 66287582  
Email: atplumbing@bigpond.com.au

**Tax Invoice**

Invoice Date: 30/06/2017  
Invoice No: I014904ST  
Payment Due: 7/07/2017

Site Address: 54 Commercial Rd, Alstonville, NSW, 2477

Job No: J026188ST  
P.O NO. Template

Item	Description	Quantity	Unit Price	Total
Labour	Labour to: Replace the garden tap and broken stand pipe.	2,000	\$80.00	\$160.00
Materials	Materials for job	1,000	\$73.00	\$73.00

**NOTE:**

Plumber found garden tap stand pipe leaking under the ground. The water leak was not visible at the time. The owner is elderly and does not go outside.

Total (exc GST) \$233.00  
GST Amount \$23.30  
Total (inc GST) \$256.30

Please contact Jharna Wimbus on (02) 66287282 if you have any queries.

Please detach and return with payment to:

**North Coast Plumbing Pty Ltd**

PO Box 424  
Alstonville  
NSW 2477

Bank Account Details:

BSB: 082409  
Acc No: 166655381

Bank Name: N.A.B  
Account Name: Andrew Thornton Plumbing

Invoice Date: 30/06/2017  
Payment Due: 7/07/2017  
Client: Rob Evans  
Job No: J026188ST  
Invoice No: I014904ST  
Invoice Amount (inc GST) \$256.30

# rates & charges notice

01/07/2017 - 30/06/2018

payments 1300 276 468

100 City Street PO Box 450, Ballina NSW 2478

general enquiries 02 6686 4444

rating team 02 6686 1299

council@ballina.nsw.gov.au abn 53 929 667 359

ballina.nsw.gov.au



Mrs F A Evans  
25 Cervantes Place  
SORRENTO WA 6020

**assessment number**

265668

**issue date**

19/07/17

property details	rating category	valuation amount	area
54 Commercial Road ALSTONVILLE NSW 2477 Lot 4 DP 328662	Residential Urban	\$284,000	891.6000 Square Metres

  

billing details			
	Rateable Value	Rates in \$ or Charge	Amount
Pensioner Concession			-\$425.00
Residential Rate	284000.00	0.00165830	\$470.96
Residential Base Amount	1.00	491.00	\$491.00
Domestic Waste Collection Charge Urban	1.00	374.00	\$374.00
Water Consumption Charges	0.00	0.00	\$1928.14
Stormwater Charge Residential	1.00	25.00	\$25.00
Water Access Residential 20mm	1.00	204.00	\$204.00
Wastewater Charge Residential	1.00	953.00	\$953.00

first	second	third	fourth	notice total:	
31/08/17	30/11/17	28/02/18	31/05/18		\$4,021.10
\$2,452.10	\$523.00	\$523.00	\$523.00	<b>due this quarter:</b>	\$2,452.10
<b>messages</b>					<b>date due:</b>
Interest at 7.5% pa on arrears (if listed calculated up to 07/07/2017) or any future overdue amounts. Deduct payments since 07/07/2017.					31/08/17

## your payment options

Call 1300 276 468 to make payments using Visa-Mastercard only

**Billor Code: 20404**  
**Reference No: 265668**

[www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au)  
Make payments online using Visa, Mastercard only

**BPAY** BPAY the payment via internet or phone banking  
BPAY View View and pay this bill using internet banking  
Biller Code: 20404  
Reference No: 265668

An online loan is available by phoning 02 6686 4444, or by visiting [www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au)

Any Post Office throughout Australia, Cash, cheque and BTPCS only

**\*223 265668**

Detach slip at the perforation and post your cheque payable to Ballina Shire Council to the PO Box above or pay at our Customer Service Centre



**name:** Mrs F A Evans

**assessment:** 265668

**total amount:** \$4,021.10

**first instalment:** \$2,452.10

\*Small print payments will incur a charge of approximately 0.5%

Rating Team  
Assessment No. 265668



24 July 2017

Mr R Evans  
25 Cervantes Place  
SORRENTO WA 6020

Dear Mr Evans

**Re: Request for financial assistance due to concealed water leak  
Property – 54 Commercial Road Alstonville**

I refer to your email of 1 July 2017 and enclosures, on behalf of your mother Freda Evans, regarding a concealed water leak at the above property and request for assistance in addressing excess water charges.

As advised in a subsequent telephone discussion between yourself and Council's Water Billing Officer, Marco Romanet, Council recently resolved to only charge the Step 1 rate (\$2.14) for water lost in the event of a concealed water leak instead of the Step 2 rate (\$3.22) where consumption exceeds the Step 1 limit of 350 kilolitres(KL) per annum.

Due to the timing of your email, the tariff code was changed prior to the levying of the June 2017 quarterly charges to allow all consumption to be levied at the lower Step 1 rate.

This change in tariff cancels \$632.88 in charges being the difference between the original charges of \$ 2,561.02 and amount levied at the Step 1 rate of \$1,928.14 which will appear on the rates and charges notice to issue on 19 July 2017.

Additionally, Council also resolved to not charge interest for property owners entering into a payment arrangement for charges relating to concealed water leaks.

We acknowledge your mothers circumstances however I regret that the above adjustment is the full extent of actual financial assistance that Council can provide under adopted resolution at this time.

Regarding future water management, I suggest that apart from paying attention to the average daily usage of water consumption, as detailed on quarterly rates and charges notices, it is good practice to periodically check the water meter reading to readily identify any unusual increase in consumption.

I acknowledge your comments that your mother is housebound and that you are located in Western Australia so perhaps a regular visitor to the property such as a lawn maintenance person or a carer may be able to attend to this task to identify any future leaks.

In this regard, please refer to the attached Water Meter Checking Procedure form which is also available from Council's website [www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au) then go to *Your Council* then *Council Forms*. You will need Adobe reader to be able to view this form.

...2/

40 cherry street, po box 450, ballina nsw 2478

02 6686 7035 • e [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au) • w [ballina.nsw.gov.au](http://ballina.nsw.gov.au)

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Mr R Evans  
24 July 2017

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If you have any further queries in regard to the above matter, please contact Council's Water Billing Officer, Marco Romanet on 02 6686 1299.

Yours faithfully

  
Peter Kennedy  
Coordinator Rating

40 cherry street, po box 450, ballina nsw 2478  
t 02 6686 4444 • f 02 6686 7035 • e [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au) • w [ballina.nsw.gov.au](http://ballina.nsw.gov.au)

enquiries refer  
Paul Hickey  
in reply please quote  
17/69320 (602-04)



5 September 2017

Rob Evans  
[matcar@bigpond.net.au](mailto:matcar@bigpond.net.au)

Dear Mr Evans

**Re: Excess Water Account – Freda Evans – 54 Commercial Road, Alstonville**

I refer to your email to all Councillors dated 21 August 2017. Council acknowledges the difficult circumstances surrounding your mother and please accept our best wishes in what is undoubtedly a difficult time.

In respect to your request for a report on this matter to be presented to Council, there are many circumstances our staff deal with in respect to individuals or families who are struggling to pay the Council rates and charges. The reasons for these struggles can vary immensely and Council staff are continually working with people to determine the best way to reduce the Council debt over time. It is inequitable to highlight the circumstances of one person in a report to Council when there are many others who also deserve that support but are not provided the opportunity of a report to Council.

This means it is essential that Council has policies in place to manage these types of situations to ensure there is consistency and equity in any relief provided. The previous correspondence from Mr Peter Kennedy outlined that the current Council has resolved not to charge the Step 2 water billing charge for these types of situations and no interest will be charged on any repayment plan.

We are in the process of preparing a policy for the management of concealed water leaks and that draft policy will be reported to the 28 September 2017 Council meeting. Even though my preference is not to provide a separate report to Council on your mother's circumstances, I will include in that report a reference to your email. That in itself will allow the Councillors to determine whether they wish to provide any additional support.

The one other option that you may wish to consider is to seek assistance as per the provisions of Council's Financial Assistance – Rates, Annual Charges and Fees Policy, which relates to cases of hardship. A copy of that policy is available as per the following link: (located under "F")

[http://www.ballina.nsw.gov.au/cp\\_themes/default/page.asp?p=DOC-QQX-54-48-10](http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-QQX-54-48-10)

Clause 2 of that policy allows deferral of rates and charges against the estate as per the following extract:

**2. Deferral of rates and charges against the estate**

*This option is offered in accordance with section 564 of the Local Government Act 1993. This option is only available to aged pensioners and self-funded retirees that satisfy the eligibility criteria to defer payment of part or all of their rates and charges against their estate. Interest charges for approved applicants will be charged at the reserve bank cash rate.*

40 cherry street, po box 450, ballina nsw 2478  
t: 02 6686 4444 • f: 02 6686 7035 • e: council@ballina.nsw.gov.au • w: ballina.nsw.gov.au

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Rob Evans  
5 September 2017

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*This interest rate will be reviewed annually on 1 July. This rate will then be effective for the entire financial year.*

*The criteria to be used to determine eligibility is as follows:*

*The aged pensioner or self-funded retiree would suffer substantial financial hardship if required to pay rates and charges when they fall due. The applicant must provide details of their income and expenses, with supporting evidence as required by Council*

- *The property must be categorised residential or farmland for rating purposes*
- *The applicant must have owned the property for at least five years*
- *The applicant must occupy the property as their principal place of abode*
- *The applicant must apply annually and their circumstances must remain unchanged from the previous year*
- *If circumstances change and the applicant no longer qualifies, Council will negotiate a repayment plan for accrued arrears*
- *All applications for this type of assistance must be approved by the elected Council.*

I am unsure whether your mother meets these requirements however it is an option you may wish to consider.

I hope this information is of some assistance and please call Peter Kennedy or myself if you wish to discuss this further.

Yours faithfully

Paul Hickey  
**General Manager**

40 cherry street, po box 450, ballina nsw 2478  
t: 02 6686 4444 • f: 02 6686 7035 • e: council@ballina.nsw.gov.au • w: ballina.nsw.gov.au

## 10.8 Policy (New) - Concealed Water Leaks.DOC

**Sandra Bailey**

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**From:** Rob Evans <matcar@bigpond.net.au>  
**Sent:** Wednesday, 6 September 2017 1:04 PM  
**To:** Sandra Bailey  
**Subject:** Re: Response from Ballina Shire Council re Excess Water Account - Freda Evans

Thank you very much Paul and I certainly appreciate you taking the time in your busy schedule to respond to my previous emails. Also may I also say I appreciate the fact that you will have this issue presented at the council meeting on the 28th September and I look forward to a reply on due course.  
Many Thanks again Paul.

Many Thanks  
Rob Evans  
0404 878717

On 5 Sep 2017, at 10:01 am, Sandra Bailey <[Sandra.Bailey@ballina.nsw.gov.au](mailto:Sandra.Bailey@ballina.nsw.gov.au)> wrote:

Hello Rob, please find attached a response from the General Manager.

**Sandra Bailey**  
PA to the General Manager & Mayor

<image001.gif>

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[ballina.nsw.gov.au](http://ballina.nsw.gov.au) | [discoverballina.com](http://discoverballina.com)  
p: (02) 6686 1273

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<image002.gif>

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