



Permanent Water Saving Plan

for

Gippsland Water



Approved by
TIM HOLDING MP
Minister for Water

28/08/07

Adopted by resolution of the Authority

28/09/07

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1. AUTHORISING PROVISION

This Permanent Water Saving Plan is made under section 170A of the *Water Act 1989*.

2. PURPOSES

The purposes of this Plan are to;

- a) Set out permanent restrictions and prohibitions on the use of water in the area of Gippsland Water's district; and
- b) Specify principles for considering applications for exemption from particular restrictions or prohibitions.

3. INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

"Act"

Means the *Water Act 1989*.

"Authorised Person"

Means a person authorised by Gippsland Water under Clause 5.2 (d) of this Plan.

"Automatic Watering System"

Means a watering system capable of being set to turn on and off automatically at pre-determined times, without human intervention.

"Domestic and stock use "

Means use for:

- (a) household purposes; or
- (b) watering of animals kept as pets; or
- (c) watering of cattle or other stock; or
- (d) in the case of the cartilage of a house and any outbuilding, watering an area not exceeding 1.2 hectares for fire prevention purposes with water obtained from a sprint or soak or water from a dam; or

but does not include use for dairies, piggeries, feed lots, poultry or any other intensive or commercial use.

"Existing non-residential property"

Means a non-residential property that is supplied with potable water by Gippsland Water on 1 July 2007.

"Gippsland Water"

Means Central Gippsland Region Water Authority.

"Greywater"

(Sometimes referred to as "sullage") consists of most non-toilet wastewater. It includes wastewater from showers, baths, spas, hand basins, washing machines and laundry troughs.

"High Pressure Water Cleaning Unit"

A device that incorporates a trigger nozzle and a pump in one unit, which discharges water at high pressure.

"Manual Watering Systems"

Means:

- a) a watering system which is not an automatic watering system; or
 - b) an automatic watering system, operated other than automatically;
- that is, a system that requires human intervention to be turned on or off.

"Mobile Water Tankers"

Means any road vehicle designed to carry bulk water for the purpose of delivery to domestic, commercial or industrial consumers.

"New non-residential property"

Means a non-residential property that is first supplied with potable water by Gippsland Water at a date after 1 July 2007.

"Non-residential property"

Means a property where potable water supplied by Gippsland Water issued for any purpose other than domestic and stock use.

"Paved Area"

Any courtyard, footpath, driveway or any other area with concrete, asphalt, brick, tile, bitumen, timber or similar surface.

"Permanent Water Saving Rules"

Means permanent restrictions and prohibitions on the use of water in the area of Gippsland Water's district as set out in Schedule 1 of this Plan.

"Person"

Includes a body or association (incorporated or un-incorporated) and a partnership.

"Private Dam"

Means anything in which by means of an excavation, a bank, a barrier or other works water is collected, stored or concentrated but does not include:

- (a) anything owned or operated by a public statutory body; or
- (b) any works of an Authority or licensee; or
- (c) a channel, drain or pipe; or
- (d) a bore.

"Public Garden"

Any garden, lawn, nature strip, plantation, park or reserve (other than a sports ground) that is managed or controlled by a council or any other public authority. This does not include private gardens.

"Rain and Soil Moisture Sensors"

Devices that are designed to be fitted to automatic watering systems to prevent them from operating when it is raining or when the soil is wet.

"Trigger Nozzle"

A device that attaches to the end of a hose, which has either a trigger or switch mechanism that allows instant stop/start control of the flow of water from the nozzle.

"Vehicle"

All conveyances that are designed to be propelled or drawn by any means and includes motorbikes, motor vehicles, trailers, trams, air cushion vehicles, trains, buses, boats (excluding the motor) and aircrafts.

"Water"

For the purpose of this Plan, means water supplied by works of Gippsland Water, but does not include recycled or re-claimed water.

"Water Fountain"

Any indoor or outdoor decorative water product that has:

- a) a volume of less than 500 litres that projects water more than 20 centimetres above the water outlet; or
- b) a volume greater than 500 litres and emits water in a decorative fashion.

“WaterMAP”

Means a water management plan prepared in accordance with guidelines for the preparation of such plans issued by Gippsland Water.

3.2 Rules for interpreting this document

- a) A reference to:
- (i) legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document or agreement, or provision of a document or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;
 - (iii) a party to any document or agreement includes a permitted substitute or permitted assign of that party;
 - (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity and any executor, administrator or successor in law of the person; and
 - (v) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural and vice versa.
- (c) A word which suggests one gender includes the other gender.
- (d) If a word is defined, another part of speech has a corresponding meaning.
- (e) If an example is given of anything (including a right, obligation or concept) such as by saying it includes something else, the example does not limit the scope of that thing.
- (f) An interpretation that would promote the conservation of water must be preferred to an interpretation that would not promote such conservation.
- (g) Any clause or interpretation which is inconsistent with the Water Act 1989 (as amended) is not to be applied.

4. APPLICATION

This plan and the restrictions outlined in schedule 1 apply to water supplied by Gippsland Water.

5. EXEMPTION FROM RESTRICTIONS OR PROHIBITIONS

5.1 General exemptions

- a) Gippsland Water may prepare, adopt and publish general exemptions which specify generally applicable exemptions from the restrictions or prohibitions set out in Schedule 1 of this document.
- b) Gippsland Water may amend or revoke the general exemptions at any time.
- c) Without limiting paragraph 5.1(a), the general exemptions set out:
 - (i) Permissible uses of water which are exempted from a restriction or prohibition set out in Schedule 1, without an application being made under sub clause 5.2; and
 - (ii) The conditions upon which any such exemption is granted.

5.2 Applications for particular exemptions

- a) A person may apply to Gippsland Water for temporary or permanent exemption from a restriction or prohibition set out or imposed by this Plan.
- b) An application must be in a form approved by Gippsland Water
- c) Gippsland Water may:
 - (i) Prepare, adopt and publish; and
 - (ii) Amend or revoke at any time, details of a particular exemption to inform the public about applying for exemptions under this sub-clause.
- d) An authorised person authorised in writing by Gippsland Water;
 - i) Must consider an application for exemption; and
 - ii) Subject to this clause:
 - May grant the application in full or in part and subject to such conditions as the person considers appropriate; or
 - May refuse the application; and
 - iii) May revoke any exemption at any time, by giving written notice to the applicant.

- e) An exemption ends at any time specified in the exemption.

5.3 Rules about particular exemptions

An authorised person must not grant an application for exemption in relation to a particular restriction or prohibition unless the person is reasonably satisfied that the proposed exemption:

- a) Is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that restriction or prohibition, and is consistent with the conservation policy of the Victorian Government; or
- b) Is necessary to avoid any adverse effect on public health and safety.

6. PENALTIES

- 6.1 The *Water Act 1989* makes it an offence:
 - a) to contravene a restriction or prohibition on the use of water imposed under this Plan; and
 - b) to waste, misuse or excessively consume water.
- 6.2 The Act imposes substantial penalties for such offences, which include penalty infringement notices or one or more fines, imprisonment and daily penalties.
- 6.3 The value of each penalty increases each year under the Monetary Units Act 2004. The current value of each penalty unit for contravening a restriction or prohibition is set out on Gippsland Water's website at www.gippswater.com.au
- 6.4 Gippsland Water has further power to reduce or restrict the supply to a person who contravenes the Act or regulations in relation to misuse of, or taking water. Gippsland Water can also disconnect the service to a property in relation to which a notice of contravention has been issued and not complied with.

7. RESTRICTIONS AND PROHIBITIONS

- 7.1 The restrictions and prohibitions outlined in Schedule 1 do not apply to recycled water supplied by Gippsland Water.
- 7.2 The restrictions in Schedule 1 do not apply to watering residential or commercial gardens and lawns with greywater.
- 7.3 The restrictions in Schedule 1 do not apply to using rain water collected by an occupier of land in a rain water tank provided that the rain water within the tank is not augmented in any way by water supplied by Gippsland Water.

SCHEDULE 1

PURPOSE	RESTRICTION / PROHIBITION
<p>Residential & Commercial Gardens*</p> <p>* This term includes lawns.</p>	<p>a) An automatic watering system:</p> <ul style="list-style-type: none"> i) Must not be used, except between 8pm and 10am any day of the week; and ii) Which is installed on or after 1 June 2006, must not be used, unless it is fitted with a rain or soil moisture sensor (or equivalent device) as part of the control system. <p>b) A manual watering system must not be used, except between 8pm and 10am on any day of the week.</p> <p>c) No restriction applies to using a hand-held hose fitted with a trigger nozzle, a watering can or a bucket, at any time.</p>
<p>Public Gardens* and Sports Ground / Recreational Areas</p> <p>* This term includes lawns.</p>	<p>a) An automatic watering system:</p> <ul style="list-style-type: none"> i) Must not be used, except between 8pm and 10am any day of the week; and ii) Which is installed on or after 1 June 2006, must not be used, unless it is fitted with a rain or soil moisture sensor (or equivalent device) as part of the control system. <p>b) A manual watering system must not be used, except between 8pm and 10am on any day of the week.</p> <p>c) No restriction applies to using a hand-held hose fitted with a trigger nozzle, a watering can or a bucket, at any time.</p>
<p>Water Fountains</p>	<p>a) Only water fountains that recirculate water can be operated.</p> <p>b) Topping up is permitted at any time provided that no more water than is necessary for that purpose is used.</p>

Paved Areas - Cleaning	<p>a) Paved areas can be cleaned with water from a hose in special circumstances where:</p> <ul style="list-style-type: none"> i) An accident, fire, health or safety hazard or other emergency exists. ii) There is staining to the surface such as that caused by oil, animal/bird faeces or plant material. A hand-held hose fitted with a trigger nozzle or a high pressure cleaning unit must be used. Only one clean per season is allowed. iii) The paved area is under construction or renovation. A high pressure cleaning unit must be used.
Garden Nurseries – Commercial and Council	<p>Watering systems (automatic and manual), hand-held hoses fitted with a trigger nozzle, watering cans and buckets can be used at any time to water plants and turf grown for sale or council use at any time.</p>
Swimming Pools and Spas	<p>a) A pool or spa with a capacity greater than 2000 litres must not be filled from empty unless:</p> <ul style="list-style-type: none"> i) An application for approval from Gippsland Water is made. The application must outline the volume of water required to fill the pool or spa; ii) The application has been approved by Gippsland Water, subject to such conditions as it may impose; and iii) Every such condition is complied with.
Vehicle Cleaning	<p>a) Cars, boats and other vehicles can be cleaned using a hand-held hose fitted with a trigger nozzle, a bucket, watering can or a high pressure cleaning unit at any time.</p> <p>b) Boat motors can be flushed with a hose in accordance with the manufacturer's advice.</p>
Construction Industry	<p>All hoses and watering systems must be in good condition and leak free. All hoses are to be fitted with a trigger nozzle.</p>

<p>Mobile Water Tankers</p>	<p>a) Mobile water tankers, with a capacity greater than 2000 litres, may only be filled from a standpipe or other point of supply between the hours of 8am and 8pm.</p> <p>b) Prior to filling mobile water tankers, the owner or operator of the tanker must contact Gippsland Water and provide details as to:</p> <ul style="list-style-type: none"> i) When the tanker will be filled; ii) Where the tanker will be filled; and iii) How much water will be drawn.
<p>Private Dams and Tanks</p>	<p>a) A dam or tank with a capacity greater than 2000 litres must not be filled from empty unless:</p> <ul style="list-style-type: none"> i) An application for approval from Gippsland Water is made. The application must outline the volume of water required to fill the dam or tank; ii) The application has been approved by Gippsland Water, subject to such conditions as it may impose; and iii) Every such condition is complied with.
<p>Non-residential properties and new non-residential properties</p>	<p>Water supplied by Gippsland Water must not be used on an existing non-residential property or a new non-residential property (as the case may be) if one of the following circumstances applies:</p> <ul style="list-style-type: none"> a) Gippsland Water gives notice to the occupier of an existing non-residential property that the property received a metered supply of 10ML or more in the preceding financial year. b) Gippsland Water gives notice to the occupier of a new non-residential property that Gippsland Water estimates that the property will receive a metered supply of 10ML or more in the next financial year., <p>This restriction does not apply if the occupier complies with each of the following steps in relation to a WaterMAP. The occupier must:</p> <ul style="list-style-type: none"> c) register its intention to prepare a WaterMAP to Gippsland Water within 1 month of the date of the notice referred to in (a) or (b);

	<p>d) prepare and submit a WaterMAP to Gippsland Water within 3 months of registering its intention to prepare a WaterMAP;</p> <p>e) prepare and submit a report to Gippsland Water by each anniversary of the date on which the WaterMAP was first submitted, in relation to:-</p> <ul style="list-style-type: none">• the implementation of the WaterMAP; and• water savings achieved through the implementation of the WaterMAP during the preceding 12 months; and <p>f) if requested to do so by Gippsland Water:</p> <ul style="list-style-type: none">• review the WaterMAP to identify potential changes to the WaterMAP which may improve future water savings at the property; and• amend the WaterMAP to make any changes identified by the review; and• submit the amended WaterMAP to Gippsland Water within 3 months of the date of Gippsland Water's original request. <p>Gippsland Water may only request the occupier to carry out this review and amending process in respect to the property once in every 12 month period.</p>
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GENERAL EXEMPTIONS FROM PERMANENT WATER SAVING RULES

The Permanent Water Saving Rules prescribe particular water usage limitations that are intended as long term water conservation initiatives.

A number of 'general exemptions' have been identified to make management of the Permanent Water Saving Rules more user-friendly for the Gippsland Water community.

The general exemptions are exempt from the Permanent Water Saving Rules and do not require an exemption approval from Gippsland Water.

Gippsland Water requires notification prior to water usage as allowed under the general exemptions.

The allowable general exemptions are:

- **New Gardens and Lawns**
Watering systems (automatic and manual) may be used to water all new lawns (turf, hydro mulch and seed) and garden beds as required to suit weather conditions for up to the first 28 days after installation;
- **Existing Gardens and Lawns**
Watering systems (automatic and manual) may be used to water gardens and lawns:
 - During and/or immediately after the application of fertilizers, when this is the only practicable time available to undertake this activity, or is the manufacturer's recommended application timeframe;
 - To test irrigation systems for leaks and/or correct operation and maintenance checks.
- **Sporting Grounds and Recreational Areas**
When it is impractical to use a hand held hose, watering systems (automatic and manual) may be used outside the prescribed watering hours to water the playing surfaces of sporting facilities, when watering is necessary to:
 - Avoid permanent damage to the surface in very hot, dry or windy conditions;
 - Avoid injury or damage to players, or

- Where there is an occupational health and safety requirement for the particular surface and watering is specified by the manufacturer.

- **Paving**

Water may be used to wash down concourse paving surrounding a municipal or private commercial pool and associated change rooms for occupational health and safety purposes. It is preferable, but not mandatory, that a high pressure water cleaning device be used in these instances.

- **Miscellaneous**

Watering systems (automatic and manual) may be used for occupational health and safety purposes to limit or suppress dust as a result of construction, reconstruction and/or renovation activities. They may also be used to limit or suppress dust during motocross, equestrian and similar events for the safety of participants, spectators and surrounding neighbours.