



Victoria Government Gazette

No. S 410 Tuesday 13 December 2011
By Authority of Victorian Government Printer

Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)

BARWON REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

Barwon Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

SPECIAL

**PERMANENT WATER SAVING PLAN
FOR
BARWON REGION WATER CORPORATION**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by Barwon Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Barwon Water

4.2 Application to Water - General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Barwon Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Barwon Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Barwon Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by Barwon Water.

‘Barwon Water’ means the Barwon Region Water Corporation.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘**Council**’ means a council under the **Local Government Act 1989**.

‘**district**’ means the districts serviced by Barwon Water or part of any such district as specified by Barwon Water.

‘**fountain or water feature**’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘**garden area**’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See ‘*Lawn area*’).

‘**greywater**’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘**hand-held hose**’ means a hose that is held by hand when it is used.

‘**hard surface**’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘**high pressure water cleaning device**’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘**lawn area**’ means any land, grassed or sown with grass seed but excludes any playing surface. See ‘*garden area*’.

‘**permanent water saving rule**’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘**playing surface**’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘**public garden area**’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘**public garden or lawn area**’ means any public garden area or any public lawn area.

‘**public lawn area**’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘**reclaimed water**’ means water supplied by Barwon Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘**recycled water**’ means treated sewage or trade waste, supplied by Barwon Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Barwon Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of Barwon Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and

- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of Barwon Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Barwon Water

This Plan applies to Water supplied by Barwon Water in each district serviced by Barwon Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Barwon Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Barwon Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Barwon Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,

general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.

- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on Barwon Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of Barwon Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Barwon Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) Barwon Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Barwon Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Barwon Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Barwon Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Barwon Water.
- (c) Barwon Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Barwon Water considers appropriate; or
 - (B) may refuse the application.
- (d) Barwon Water 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 or when any stage of restrictions are imposed by Barwon Water.

6.3 Approval of Particular Exemptions

Barwon Water must not grant an application for exemption under this clause unless Barwon Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Barwon Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Barwon Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and

- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) Barwon Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Barwon Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Barwon Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Barwon Water.
- (c) Barwon Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Barwon Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Barwon Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Barwon Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Barwon Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Barwon Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of Barwon Water, be generally supported by other Barwon Water customers who are affected by the permanent water saving rule; **OR**

- (iv) would, in the opinion of Barwon Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
- (v) would provide a broader public benefit.

7.4 **Failure to comply with a Water Use Plan**

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. **PENALTIES FOR NON-COMPLIANCE**

8.1 **Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 **Penalties under the legislation**

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Barwon Water's website www.barwonwater.vic.gov.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

CENTRAL HIGHLANDS REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

Central Highlands Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
CENTRAL HIGHLANDS REGION WATER CORPORATION**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by Central Highlands Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Central Highlands Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Central Highlands Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Central Highlands Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Central Highlands Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘Approved Water Use Plan’ means a Water Use Plan approved by Central Highlands Water.

‘Central Highlands Water’ means Central Highlands Region Water Corporation.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;

- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘Council’ means a council under the **Local Government Act 1989**.

‘district’ means the following districts serviced by Central Highlands Water or part of any such district as specified by Central Highlands Water: Amphitheatre, Avoca, Ballarat & District, Beaufort, Blackwood, Clunes, Daylesford, Dean, Forest Hill, Landsborough/Navarre, Learmonth, Lexton, Maryborough & District, Redbank and Waubra.

‘fountain or water feature’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘garden area’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See *‘Lawn area’*).

‘greywater’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘hand-held hose’ means a hose that is held by hand when it is used.

‘hard surface’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘high pressure water cleaning device’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘lawn area’ means any land, grassed or sown with grass seed but excludes any playing surface. See *‘garden area’*.

‘permanent water saving rule’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘playing surface’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘public garden area’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by Central Highlands Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by Central Highlands Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Central Highlands Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the 'on' position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

'warm season grass' means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

'Water' means:

- (a) water supplied by the works of Central Highlands Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

'water corporation' means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

'water tanker' means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

'Water Use Plan' means a document, in writing [*or by plans*], prepared to the satisfaction of Central Highlands Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

'watering system' means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.

- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Central Highlands Water

This Plan applies to Water supplied by Central Highlands Water in each district serviced by Central Highlands Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Central Highlands Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Central Highlands Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Central Highlands Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.

- (c) Exemptions adopted under paragraph (a) must be published on Central Highlands Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of Central Highlands Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Central Highlands Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

- (a) Central Highlands Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Central Highlands Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Central Highlands Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Central Highlands Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Central Highlands Water.
- (c) Central Highlands Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Central Highlands Water considers appropriate; or
 - (B) may refuse the application.
- (d) Central Highlands Water 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 or when any stage of restrictions are imposed by Central Highlands Water.

6.3 Approval of Particular Exemptions

Central Highlands Water must not grant an application for exemption under this clause unless Central Highlands Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Central Highlands Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Central Highlands Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS**7.1 Guidelines regarding Water Use Plans**

- (a) Central Highlands Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,
 guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Central Highlands Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Central Highlands Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Central Highlands Water.
- (c) Central Highlands Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Central Highlands Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Central Highlands Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Central Highlands Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:

- (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
- (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Central Highlands Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Central Highlands Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
- (iii) would, in the opinion of Central Highlands Water, be generally supported by other Central Highlands Water customers who are affected by the permanent water saving rule; **OR**
- (iv) would, in the opinion of Central Highlands Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
- (v) would provide a broader public benefit.

7.4 Failure to comply with a Water Use Plan

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use .

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Central Highlands Water's website www.chw.net.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

Subordinate Legislation Act 1994 (Vic.)

CITY WEST WATER LIMITED

Variation to Permanent Water Saving Plan

City West Water Limited's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994**:

**PERMANENT WATER SAVING PLAN
FOR
CITY WEST WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on
29 November 2011 and varied by City West Water in
accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by City West Water

4.2 Application to Water - General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

City West Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** and **Water Industry Act 1994** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by City West Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 78K of the **Water Industry Act 1994**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in the area of City West Water's licence; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

'approved Water Use Plan' means a Water Use Plan approved by City West Water.

'City West Water' means City West Water Limited ABN 70 066 902 467.

'construction or renovation' means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;

- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘Council’ means a council under the **Local Government Act 1989**.

‘fountain or water feature’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘garden area’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See *‘Lawn area’*).

‘greywater’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘hand-held hose’ means a hose that is held by hand when it is used.

‘hard surface’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘high pressure water cleaning device’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘lawn area’ means any land, grassed or sown with grass seed but excludes any playing surface. See *‘garden area’*.

‘licensed area’ means the Melbourne metropolitan area for which City West Water is a licensee under the **Water Industry Act 1994**.

‘permanent water saving rule’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘playing surface’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘public garden area’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by City West Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by City West Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of City West Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of City West Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [or by plans], prepared to the satisfaction of City West Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by City West Water

This Plan applies to Water supplied by City West Water in the licensed area.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of City West Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by City West Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) City West Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on City West Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the licensed area and on the website of City West Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the licensed area and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the licensed area.
- (e) City West Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) City West Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on City West Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in the licensed area and on the website of City West Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to City West Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by City West Water.
- (c) City West Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as City West Water considers appropriate; or
 - (B) may refuse the application.
- (d) City West Water 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 or when any stage of restrictions are imposed by City West Water.

6.3 Approval of Particular Exemptions

City West Water must not grant an application for exemption under this clause unless City West Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to City West Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of City West Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) City West Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on City West Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in the licensed area and on the website of City West Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by City West Water.
- (c) City West Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as City West Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

City West Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) City West Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by City West Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by City West Water's customers or the security of available Water supplies in the licensed area where the use will occur; **OR**
 - (iii) would, in the opinion of City West Water, be generally supported by other City West Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of City West Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 **Failure to comply with a Water Use Plan**

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. **PENALTIES FOR NON-COMPLIANCE**

8.1 **Offences under the legislation**

The **Water Industry Act 1994** and **Water Act 1989** make it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Industry Act 1994** and **Water Act 1989** also impose **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on City West Water's website www.citywestwater.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

COLIBAN REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

Coliban Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
COLIBAN REGION WATER CORPORATION**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by Coliban Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Coliban Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Coliban Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Coliban Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Coliban Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by Coliban Water

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘Coliban Water’ means Coliban Region Water Corporation.

‘Council’ means a council under the **Local Government Act 1989**.

‘district’ means the following districts serviced by Coliban Water or part of any such district as specified by Coliban Water: Campaspe System, Coliban System (Northern), Coliban System (Southern), Goulburn System, Groundwater, Loddon System, Murray System, Wimmera System.

‘fountain or water feature’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘garden area’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See *‘Lawn area’*).

‘greywater’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘hand-held hose’ means a hose that is held by hand when it is used.

‘hard surface’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘high pressure water cleaning device’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘lawn area’ means any land, grassed or sown with grass seed but excludes any playing surface. See *‘garden area’*.

‘permanent water saving rule’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘playing surface’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘public garden area’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by Coliban Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by Coliban Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Coliban Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of Coliban Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of Coliban Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Coliban Water

This Plan applies to Water supplied by Coliban Water in each district serviced by Coliban Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Coliban Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Coliban Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Coliban Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on Coliban Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of Coliban Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Coliban Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) Coliban Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Coliban Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Coliban Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Coliban Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Coliban Water.
- (c) Coliban Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Coliban Water considers appropriate; or
 - (B) may refuse the application.
- (d) Coliban Water 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 or when any stage of restrictions are imposed by Coliban Water.

6.3 Approval of Particular Exemptions

Coliban Water must not grant an application for exemption under this clause unless Coliban Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Coliban Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Coliban Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) Coliban Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Coliban Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Coliban Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Coliban Water.
- (c) Coliban Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Coliban Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Coliban Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Coliban Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Coliban Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Coliban Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of Coliban Water, be generally supported by Coliban Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of Coliban Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**

- (v) would provide a broader public benefit.

7.4 **Failure to comply with a Water Use Plan**

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use .

8. **PENALTIES FOR NON-COMPLIANCE**

8.1 **Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 **Penalties under the legislation**

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Coliban Water website www.coliban.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

EAST GIPPSLAND REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

East Gippsland Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
EAST GIPPSLAND WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by East Gippsland Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by East Gippsland Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

East Gippsland Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by East Gippsland Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by East Gippsland Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘East Gippsland Water’ means East Gippsland Region Water Corporation.

‘approved Water Use Plan’ means a Water Use Plan approved by East Gippsland Water

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘**Council**’ means a council under the **Local Government Act 1989**.

‘**district**’ means the following districts serviced by East Gippsland Water or part of any such district as specified by East Gippsland Water: Bemm River, Buchan, Cann River, Dinner Plain, Mallacoota, Mitchell, Omeo, Orbost and Swifts Creek.

‘**fountain or water feature**’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘**garden area**’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See ‘*Lawn area*’).

‘**greywater**’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘**hand-held hose**’ means a hose that is held by hand when it is used.

‘**hard surface**’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘**high pressure water cleaning device**’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘**lawn area**’ means any land, grassed or sown with grass seed but excludes any playing surface. See ‘*garden area*’.

‘**permanent water saving rule**’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘**playing surface**’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘**public garden area**’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘**public garden or lawn area**’ means any public garden area or any public lawn area.

‘**public lawn area**’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘**reclaimed water**’ means water supplied by East Gippsland Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by East Gippsland Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of East Gippsland Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of East Gippsland Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of East Gippsland Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by East Gippsland Water

This Plan applies to Water supplied by East Gippsland Water in each district serviced by East Gippsland Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of East Gippsland Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by East Gippsland Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) East Gippsland Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on East Gippsland Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of East Gippsland Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) East Gippsland Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) East Gippsland Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on East Gippsland Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of East Gippsland Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to East Gippsland Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by East Gippsland Water.
- (c) East Gippsland Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as East Gippsland Water considers appropriate; or
 - (B) may refuse the application.
- (d) East Gippsland Water 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 or when any stage of restrictions are imposed by East Gippsland Water.

6.3 Approval of Particular Exemptions

East Gippsland Water must not grant an application for exemption under this clause unless East Gippsland Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to East Gippsland Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of East Gippsland Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) East Gippsland Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on East Gippsland Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of East Gippsland Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by East Gippsland Water.
- (c) East Gippsland Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as East Gippsland Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

An East Gippsland Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) East Gippsland Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by East Gippsland Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by East Gippsland Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of East Gippsland Water, be generally supported by other East Gippsland Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of East Gippsland Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 **Failure to comply with a Water Use Plan**

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use .

8. **PENALTIES FOR NON-COMPLIANCE**

8.1 **Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 **Penalties under the legislation**

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on East Gippsland Water's website www.egwater.vic.gov.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

CENTRAL GIPPSLAND REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

Central Gippsland Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
GIPPSLAND WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on
29 November 2011 and varied by Central Gippsland Region Water Corporation in
accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Gippsland Water

4.2 Application to Water - General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Gippsland Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Gippsland Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Gippsland Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by Gippsland Water.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘Council’ means a council under the **Local Government Act 1989**.

‘district’ means the districts serviced by Gippsland Water or part of any such district as specified by Gippsland Water.

‘fountain or water feature’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘garden area’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See *‘Lawn area’*).

‘Gippsland Water’ means Central Gippsland Region Water Corporation.

‘greywater’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘hand-held hose’ means a hose that is held by hand when it is used.

‘hard surface’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘high pressure water cleaning device’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘lawn area’ means any land, grassed or sown with grass seed but excludes any playing surface. See *‘garden area’*.

‘permanent water saving rule’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘playing surface’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘public garden area’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by Gippsland Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by Gippsland Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Gippsland Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of Gippsland Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and

- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f), but does **not** include:
- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of Gippsland Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Gippsland Water

This Plan applies to Water supplied by Gippsland Water in each district serviced by Gippsland Water.

4.2 Application to Water – General Principles

This Plan applies to Water as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Gippsland Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Gippsland Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Gippsland Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on Gippsland Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of Gippsland Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Gippsland Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) Gippsland Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Gippsland Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Gippsland Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Gippsland Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Gippsland Water.
- (c) Gippsland Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Gippsland Water considers appropriate; or
 - (B) may refuse the application.
- (d) Gippsland Water 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 or when any stage of restrictions are imposed by Gippsland Water.

6.3 Approval of Particular Exemptions

Gippsland Water must not grant an application for exemption under this clause unless Gippsland Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Gippsland Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Gippsland Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) Gippsland Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Gippsland Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Gippsland Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Gippsland Water.
- (c) Gippsland Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Gippsland Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Gippsland Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Gippsland Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Gippsland Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Gippsland Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of Gippsland Water, be generally supported by other Gippsland Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of Gippsland Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**

- (v) would provide a broader public benefit.

7.4 **Failure to comply with a Water Use Plan**

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use .

8. **PENALTIES FOR NON-COMPLIANCE**

8.1 **Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 **Penalties under the legislation**

- (a) The **Water Act 1989** also imposes substantial penalties for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Gippsland Water's website www.gippswater.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

GOULBURN VALLEY REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

Goulburn Valley Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
GOULBURN VALLEY WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by Goulburn Valley Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Goulburn Valley Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Goulburn Valley Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Goulburn Valley Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Goulburn Valley Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by Goulburn Valley Water.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘Council’ means a council under the **Local Government Act 1989**.

‘district’ means the following districts serviced by Goulburn Valley Water or part of any such district as specified by Goulburn Valley Water: Alexandra, Avenel, Barmah, Baxter’s Road, Bonnie Doon, Broadford, Buxton, Clonbinane/Waterford Park, Cobram, Colbinabbin, Congupna, Corop, Dookie, Eildon, Euroa, Girgarre, Katamatite, Katandra West, Katunga, Kilmore, Kilmore East, Kirwan’s Bridge, Kyabram, Longwood, Mangalore, Mansfield, Marysville, Merrigum, Merrijig, Molesworth, Mooroopna, Murchison, Nagambie, Nathalia, Numurkah, Picola, Pyalong, Rushworth, Sawmill Settlement, Seymour, Shepparton, Stanhope, Strathbogie, Strathmerton, Tallarook, Tallygaroopna, Tatura, Thornton, Tongala, Toolamba, Upper Delatite, Violet Town, Wandong/Heathcote Junction, Woods Point, Wunghnu, Yarroweyah and Yea.

‘fountain or water feature’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘garden area’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See *‘Lawn area’*).

‘Goulburn Valley Water’ means Goulburn Valley Region Water Corporation.

‘greywater’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘hand-held hose’ means a hose that is held by hand when it is used.

‘hard surface’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘high pressure water cleaning device’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘lawn area’ means any land, grassed or sown with grass seed but excludes any playing surface. See *‘garden area’*.

‘permanent water saving rule’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘playing surface’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘public garden area’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by Goulburn Valley Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by Goulburn Valley Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Goulburn Valley Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of Goulburn Valley Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing, prepared to the satisfaction of Goulburn Valley Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Goulburn Valley Water

This Plan applies to Water supplied by Goulburn Valley Water in each district serviced by Goulburn Valley Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Goulburn Valley Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Goulburn Valley Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Goulburn Valley Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on Goulburn Valley Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of Goulburn Valley Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Goulburn Valley Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) Goulburn Valley Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Goulburn Valley Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Goulburn Valley Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Goulburn Valley Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Goulburn Valley Water.
- (c) Goulburn Valley Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Goulburn Valley Water considers appropriate; or
 - (B) may refuse the application.
- (d) Goulburn Valley Water 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 or when any stage of restrictions are imposed by Goulburn Valley Water.

6.3 Approval of Particular Exemptions

Goulburn Valley Water must not grant an application for exemption under this clause unless Goulburn Valley Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Goulburn Valley Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Goulburn Valley Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) Goulburn Valley Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Goulburn Valley Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Goulburn Valley Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Goulburn Valley Water.
- (c) Goulburn Valley Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Goulburn Valley Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Goulburn Valley Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Goulburn Valley Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Goulburn Valley Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Goulburn Valley Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of Goulburn Valley Water, be generally supported by other Goulburn Valley Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of Goulburn Valley Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 Failure to comply with a Water Use Plan

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. PENALTIES FOR NON-COMPLIANCE**8.1 Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Act 1989** also imposes substantial penalties for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Goulburn Valley Water's website <http://www.gvwater.vic.gov.au>

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

GRAMPIANS WIMMERA MALLEE WATER CORPORATION

Variation to Permanent Water Saving Plan

Grampians Wimmera Mallee Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
GRAMPIANS WIMMERA MALLEE WATER CORPORATION (GWMWATER)**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on
29 November 2011 and varied by Grampians Wimmera Mallee Water Corporation in
accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by GWMWater

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

GWMWater will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by GWMWater to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by GWMWater; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by GWMWater.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘Council’ means a council under the **Local Government Act 1989**.

‘district’ means the following districts serviced by GWMWater or part of any such district as specified by GWMWater:

Ararat Water Supply	Shire of Ararat Urban	Shire of Ararat Waterworks
Apsley Urban	Charlton Urban	Charlton Waterworks
Cowangie Water Supply	Donald Urban	Donald Waterworks
Eastern Mallee Urban	Edenhope Urban	Glenorchy Urban
Goroke Urban	Great Western Urban	Halls Gap Urban
Harrow Urban	Horsham Waterworks	Horsham Urban
Kaniva Urban	Lillimur Urban	Miram Urban
Murrayville Urban	Murrayville Waterworks	Murtoa Urban
Nhill Urban	Nhill Waterworks	Northern Mallee Urban
St Arnaud Urban	St Arnaud Waterworks	Shire of Kaniva Waterworks
Shire of Kowree Waterworks	Shire of Stawell Waterworks	Shire of Stawell Water Supply
Town of Stawell Water Supply	Southern Mallee Urban	Southern Wimmera Urban
Underbool Urban	Underbool Waterworks	Warracknabeal Urban
Warracknabeal Waterworks	Western Wimmera Urban	

‘fountain or water feature’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘garden area’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See *‘Lawn area’*).

‘greywater’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘GWMWater’ means Grampians Wimmera Mallee Water Corporation.

‘hand-held hose’ means a hose that is held by hand when it is used.

‘hard surface’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘high pressure water cleaning device’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘lawn area’ means any land, grassed or sown with grass seed but excludes any playing surface. See *‘garden area’*.

‘permanent water saving rule’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘playing surface’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘public garden area’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does not include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by GWMWater that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by GWMWater.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of GWMWater or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of GWMWater or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of GWMWater which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
 - (d) 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.
 - (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by GWMWater

This Plan applies to Water supplied by GWMWater in each district serviced by GWMWater.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of GWMWater or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by GWMWater.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) GWMWater may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.

- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on GWMWater's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of GWMWater.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) GWMWater may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

- (a) GWMWater may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on GWMWater's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of GWMWater.

6.2 Applications for Particular Exemptions

- (a) A person may apply to GWMWater for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by GWMWater.
- (c) GWMWater:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as GWMWater considers appropriate; or
 - (B) may refuse the application.
- (d) GWMWater 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 or when any stage of restrictions are imposed by GWMWater.

6.3 Approval of Particular Exemptions

GWMWater must not grant an application for exemption under this clause unless GWMWater is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to GWMWater for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of GWMWater, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS**7.1 Guidelines regarding Water Use Plans**

- (a) GWMWater may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on GWMWater's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of GWMWater.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by GWMWater.
- (c) GWMWater:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as GWMWater considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

An officer of GWMWater must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) GWMWater is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**

- (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by GWMWater to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by GWMWater's customers or the security of available Water supplies in the district where the use will occur; **OR**
- (iii) would, in the opinion of GWMWater, be generally supported by other GWMWater customers who are affected by the permanent water saving rule; **OR**
- (iv) would, in the opinion of GWMWater, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
- (v) would provide a broader public benefit.

7.4 **Failure to comply with a Water Use Plan**

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. **PENALTIES FOR NON-COMPLIANCE**

8.1 **Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 **Penalties under the legislation**

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on GWMWater's website GWMWater www.gwmwater.org.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

LOWER MURRAY URBAN AND REGIONAL WATER CORPORATION

Variation to Permanent Water Saving Plan

Lower Murray Urban and Regional Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
LOWER MURRAY WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on
29 November 2011 and varied by Lower Murray Urban and Regional Water Corporation in
accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Lower Murray Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Lower Murray Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Lower Murray Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Lower Murray Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by Lower Murray Water.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘**Council**’ means a council under the *Local Government Act 1989*.

‘**district**’ means the following districts serviced by Lower Murray Water or part of any such district as specified by Lower Murray Water:

- Sunraysia Urban District – Mildura, Merbein and Irymple areas;
- Red Cliffs Urban District;
- Red Cliffs Irrigation District;
- Merbein Irrigation District;
- Millewa Rural District;
- Robinvale Urban District;
- Robinvale Irrigation District;
- Piangal Urban District;
- Nyah Urban District;
- Nyah West Urban District;
- Woorinen South Urban District;
- Swan Hill Urban District;
- Lake Boga Urban District;
- Murrabit Urban District;
- Koondrook Urban District; and
- Kerang Urban District.

‘**fountain or water feature**’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘**garden area**’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (*See ‘Lawn area’*).

‘**greywater**’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘**hand-held hose**’ means a hose that is held by hand when it is used.

‘**hard surface**’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘**high pressure water cleaning device**’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘**lawn area**’ means any land, grassed or sown with grass seed but excludes any playing surface. *See ‘garden area’*.

‘**Lower Murray Water**’ means Lower Murray Urban and Rural Water Corporation.

‘**permanent water saving rule**’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘**playing surface**’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘**public garden area**’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or

(c) trees located in a nature strip,

but does **not** include any:

(d) residential or commercial garden area; or

(e) playing surface; or

(f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

(a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or

(b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

(c) any residential or commercial lawn area;

(d) any playing surface; or

(e) any nature strip.

‘reclaimed water’ means water supplied by Lower Murray Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by Lower Murray Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

(a) dwelling;

(b) commercial or industrial building;

(c) hospital or nursing home;

(d) sporting club;

(e) religious facility; or

(f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

(g) any commercial market garden; or

(h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

(a) dwelling;

(b) commercial or industrial building;

(c) hospital or nursing home;

(d) sporting club;

(e) religious facility; or

(f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘**restriction**’ includes prohibition.

‘**season**’ means summer, autumn, winter or spring.

‘**stock and animal health requirements**’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘**stormwater**’ means water sourced from the stormwater drainage network of Lower Murray Water or any other water corporation or a Council.

‘**trigger nozzle**’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘**warm season grass**’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘**Water**’ means:

- (a) water supplied by the works of Lower Murray Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘**water corporation**’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘**water tanker**’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘**Water Use Plan**’ means a document, in writing [*or by plans*], prepared to the satisfaction of Lower Murray Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘**watering system**’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
 - (d) 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.
 - (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Lower Murray Water

This Plan applies to Water supplied by Lower Murray Water in each district serviced by Lower Murray Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Lower Murray Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Lower Murray Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Lower Murray Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,
 general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.

- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on Lower Murray Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of Lower Murray Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Lower Murray Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

- (a) Lower Murray Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Lower Murray Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Lower Murray Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Lower Murray Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Lower Murray Water.
- (c) Lower Murray Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Lower Murray Water considers appropriate; or
 - (B) may refuse the application.
- (d) Lower Murray Water 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 or when any stage of restrictions are imposed by Lower Murray Water.

6.3 Approval of Particular Exemptions

Lower Murray Water must not grant an application for exemption under this clause unless Lower Murray Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Lower Murray Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Lower Murray Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS**7.1 Guidelines regarding Water Use Plans**

- (a) Lower Murray Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,
 guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Lower Murray Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Lower Murray Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Lower Murray Water.
- (c) Lower Murray Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Lower Murray Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Lower Murray Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Lower Murray Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:

- (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
- (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Lower Murray Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Lower Murray Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
- (iii) would, in the opinion of Lower Murray Water, be generally supported by other Lower Murray Water customers who are affected by the permanent water saving rule; **OR**
- (iv) would, in the opinion of Lower Murray Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
- (v) would provide a broader public benefit.

7.4 Failure to comply with a Water Use Plan

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Lower Murray Water's website www.lmw.vic.gov.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

NORTH EAST REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

North East Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
NORTH EAST REGION WATER CORPORATION**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by North East Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by North East Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

North East Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by North East Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by North East Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by North East Water.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘**Council**’ means a council under the **Local Government Act 1989**.

‘**district**’ means the following districts serviced by North East Water or part of any such district as specified by North East Water:

Baranduda	Eskdale	Tallangatta
Barnawartha	Glenrowan	Tangambalanga
Beechworth	Goorambat	Tawonga
Bellbridge	Harrietville	Tawonga South
Benalla	Kiewa	Tungamah
Bright	Moyhu	Wahgunyah
Bundalong	Mt. Beauty	Walwa
Chiltern	Myrtleford	Wandiligong
Corryong	Oxley	Wangaratta
Cudgewa	Porepunkah	Whitfield
Dartmouth	Rutherglen	Wodonga
Devenish	Springhurst	Yackandandah
Ebden	St James	Yarrowonga

‘**fountain or water feature**’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘**garden area**’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See ‘*Lawn area*’).

‘**greywater**’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘**hand-held hose**’ means a hose that is held by hand when it is used.

‘**hard surface**’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘**high pressure water cleaning device**’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘**lawn area**’ means any land, grassed or sown with grass seed but excludes any playing surface. See ‘*garden area*’.

‘**permanent water saving rule**’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘**playing surface**’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘**public garden area**’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does not include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by North East Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by North East Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does not include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does not include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of North East Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of North East Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of North East Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by North East Water

This Plan applies to Water supplied by North East Water in each district serviced by North East Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of North East Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by North East Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) North East Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on North East Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of North East Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) North East Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) North East Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on North East Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of North East Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to North East Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by North East Water.
- (c) North East Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as North East Water considers appropriate; or
 - (B) may refuse the application.
- (d) North East Water 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 or when any stage of restrictions are imposed by North East Water.

6.3 Approval of Particular Exemptions

North East Water must not grant an application for exemption under this clause unless North East Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to North East Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of North East Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS**7.1 Guidelines regarding Water Use Plans**

- (a) North East Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on North East Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of North East Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by North East Water.
- (c) North East Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as North East Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

North East Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) North East Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by North East Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by North East Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of North East Water, be generally supported by other North East Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of North East Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 Failure to comply with a Water Use Plan

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on North East Water's website www.newater.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

Subordinate Legislation Act 1994 (Vic.)

SOUTH EAST WATER LIMITED

Variation to Permanent Water Saving Plan

South East Water Limited's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994**:

**PERMANENT WATER SAVING PLAN
FOR
SOUTH EAST WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on
29 November 2011 and varied by South East Water Limited in
accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by South East Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

South East Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** and **Water Industry Act 1994** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by South East Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 78K of the **Water Industry Act 1994**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in the area of South East Water's licence; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

'approved Water Use Plan' means a Water Use Plan approved by South East Water.

'construction or renovation' means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘**Council**’ means a council under the **Local Government Act 1989**.

‘**fountain or water feature**’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘**garden area**’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See ‘*Lawn area*’).

‘**greywater**’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘**hand-held hose**’ means a hose that is held by hand when it is used.

‘**hard surface**’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘**high pressure water cleaning device**’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘**lawn area**’ means any land, grassed or sown with grass seed but excludes any playing surface. See ‘*garden area*’.

‘**licensed area**’ means the Melbourne metropolitan area for which South East Water is a licensee under the **Water Industry Act 1994**.

‘**permanent water saving rule**’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘**playing surface**’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘**public garden area**’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘**public garden or lawn area**’ means any public garden area or any public lawn area.

‘**public lawn area**’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘**reclaimed water**’ means water supplied by South East Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘**recycled water**’ means treated sewage or trade waste, supplied by South East Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘South East Water’ means South East Water Limited ABN 89 066 902 547.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of South East Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of South East Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and

- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [or by plans], prepared to the satisfaction of South East Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by South East Water

This Plan applies to Water supplied by South East Water in the licensed area.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of South East Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by South East Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) South East Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on South East Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the licensed area and on the website of South East Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the licensed area and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the licensed area.
- (e) South East Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) South East Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on South East Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in the licensed area and on the website of South East Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to South East Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by South East Water.
- (c) South East Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as South East Water considers appropriate; or
 - (B) may refuse the application.
- (d) South East Water 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 or when any stage of restrictions are imposed by South East Water.

6.3 Approval of Particular Exemptions

South East Water must not grant an application for exemption under this clause unless South East Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to South East Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of South East Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) South East Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on South East Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in the licensed area and on the website of South East Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by South East Water.
- (c) South East Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as South East Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

South East Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) South East Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by South East Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by South East Water's customers or the security of available Water supplies in the licensed area where the use will occur; **OR**
 - (iii) would, in the opinion of South East Water, be generally supported by other South East Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of South East Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 Failure to comply with a Water Use Plan

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. PENALTIES FOR NON-COMPLIANCE**8.1 Offences under the legislation**

The **Water Industry Act 1994** and **Water Act 1989** make it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Industry Act 1994** and **Water Act 1989** also impose **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on South East Water's website www.southeastwater.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

SOUTH GIPPSLAND REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

South Gippsland Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
SOUTH GIPPSLAND WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by South Gippsland Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by South Gippsland Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

South Gippsland Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by South Gippsland Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by South Gippsland Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by South Gippsland Water.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘Council’ means a council under the **Local Government Act 1989**.

‘district’ means the following districts serviced by South Gippsland Water or part of any such district as specified by South Gippsland Water: Port Franklin, Port Welshpool, Toora, Welshpool, Fish Creek, Korumburra, Foster, Inverloch, Cape Paterson, Wonthaggi, Loch, Nyora, Poowong, Koonwarra, Leongatha, Alberton, Devon North, Port Albert, Yarram, Dumbalk and Meeniyan.

‘fountain or water feature’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘garden area’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See *‘Lawn area’*).

‘greywater’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘hand-held hose’ means a hose that is held by hand when it is used.

‘hard surface’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘high pressure water cleaning device’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘lawn area’ means any land, grassed or sown with grass seed but excludes any playing surface. See *‘garden area’*.

‘permanent water saving rule’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘playing surface’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘public garden area’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by South Gippsland Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by South Gippsland Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘South Gippsland Water’ means the South Gippsland Region Water Corporation.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of South Gippsland Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of South Gippsland Water or any other water corporation (including reticulated systems and stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of South Gippsland Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by South Gippsland Water

This Plan applies to Water supplied by South Gippsland Water in each district serviced by South Gippsland Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by South Gippsland Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) South Gippsland Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on South Gippsland Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of South Gippsland Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) South Gippsland Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) South Gippsland Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on South Gippsland Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of South Gippsland Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to South Gippsland Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by South Gippsland Water.
- (c) South Gippsland Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as South Gippsland Water considers appropriate; or
 - (B) may refuse the application.
- (d) South Gippsland Water 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 or when any stage of restrictions are imposed by South Gippsland Water.

6.3 Approval of Particular Exemptions

South Gippsland Water must not grant an application for exemption under this clause South Gippsland Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to South Gippsland Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of South Gippsland Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) South Gippsland Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on South Gippsland Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of South Gippsland Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan.
- (b) An application for approval of a Water Use Plan must be in a form approved by South Gippsland Water.
- (c) South Gippsland Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as South Gippsland Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

South Gippsland Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) South Gippsland Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by South Gippsland Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by South Gippsland Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of South Gippsland Water, be generally supported by other South Gippsland Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of South Gippsland Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 Failure to comply with a Water Use Plan

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use .

8. PENALTIES FOR NON-COMPLIANCE**8.1 Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on South Gippsland Water's website www.sgwater.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

WANNON REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

Wannon Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
WANNON REGION WATER CORPORATION**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by Wannon Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Wannon Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Wannon Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Wannon Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Wannon Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by Wannon Water.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘**Council**’ means a council under the **Local Government Act 1989**.

‘**district**’ means a district serviced by Wannon Water or part of any such district.

‘**fountain or water feature**’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘**garden area**’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See ‘*Lawn area*’).

‘**greywater**’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘**hand-held hose**’ means a hose that is held by hand when it is used.

‘**hard surface**’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘**high pressure water cleaning device**’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘**lawn area**’ means any land, grassed or sown with grass seed but excludes any playing surface. See ‘*garden area*’.

‘**permanent water saving rule**’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘**playing surface**’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘**public garden area**’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘**public garden or lawn area**’ means any public garden area or any public lawn area.

‘**public lawn area**’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘**reclaimed water**’ means water supplied by Wannon Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘**recycled water**’ means treated sewage or trade waste, supplied by Wannon Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Wannon Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘Wannon Water’ means Wannon Region Water Corporation.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of Wannon Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of Wannon Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Wannon Water

This Plan applies to Water supplied by Wannon Water in each district serviced by Wannon Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Wannon Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Wannon Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Wannon Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on Wannon Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of Wannon Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Wannon Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) Wannon Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Wannon Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Wannon Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Wannon Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Wannon Water.
- (c) Wannon Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Wannon Water considers appropriate; or
 - (B) may refuse the application.
- (d) Wannon Water 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 or when any stage of restrictions are imposed by Wannon Water.

6.3 Approval of Particular Exemptions

Wannon Water must not grant an application for exemption under this clause unless Wannon Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Wannon Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Wannon Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) Wannon Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Wannon Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Wannon Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Wannon Water.
- (c) Wannon Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Wannon Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Wannon Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Wannon Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Wannon Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Wannon Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of Wannon Water, be generally supported by other Wannon Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of Wannon Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 Failure to comply with a Water Use Plan

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. PENALTIES FOR NON-COMPLIANCE**8.1 Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Wannon Water's website www.wannonwater.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

WESTERN REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

Western Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
WESTERN WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by Western Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Western Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Western Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Western Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Western Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by Western Water.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘Council’ means a council under the **Local Government Act 1989**.

‘district’ means the following districts serviced by Western Water or part of any such district as specified by Western Water: Bacchus Marsh Water District, Gisborne Water District, Lancefield Water District, Macedon Water District, Melton Water District, Myrning Water District, Riddells Creek Water District, Romsey Water District, Sunbury Water District, Woodend Water District.

‘fountain or water feature’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘garden area’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See *‘Lawn area’*).

‘greywater’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘hand-held hose’ means a hose that is held by hand when it is used.

‘hard surface’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘high pressure water cleaning device’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘lawn area’ means any land, grassed or sown with grass seed but excludes any playing surface. See *‘garden area’*.

‘permanent water saving rule’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘playing surface’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘public garden area’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘public garden or lawn area’ means any public garden area or any public lawn area.

‘public lawn area’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘reclaimed water’ means water supplied by Western Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by Western Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Western Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of Western Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of Western Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

‘Western Water’ means Western Region Water Corporation.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Western Water

This Plan applies to Water supplied by Western Water in each district serviced by Western Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Western Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Western Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Western Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on Western Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website of Western Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Western Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) Western Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Western Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Western Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Western Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Western Water.
- (c) Western Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Western Water considers appropriate; or
 - (B) may refuse the application.
- (d) Western Water 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 or when any stage of restrictions are imposed by Western Water.

6.3 Approval of Particular Exemptions

Western Water must not grant an application for exemption under this clause unless Western Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Western Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Western Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) Western Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,
 guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Western Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Western Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Western Water.
- (c) Western Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Western Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Western Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Western Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Western Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Western Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of Western Water, be generally supported by other Western Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of Western Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 **Failure to comply with a Water Use Plan**

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use .

8. **PENALTIES FOR NON-COMPLIANCE**

8.1 **Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 **Penalties under the legislation**

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Western Water's website www.westernwater.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	<p>Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose:</p> <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	<p>A residential or commercial garden or lawn area cannot be Watered except:</p> <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	<p>A public garden or lawn area or a playing surface cannot be Watered except:</p> <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	<p>Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.</p>
5. Cleaning of Hard Surfaces	<p>Water cannot be used to clean hard surfaces (including, driveways, paths, concrete, tiles, timber decking) except:</p> <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

**Subordinate Legislation Act 1994 (Vic.)
Water Act 1989 (Vic.)**

WESTERNPORT REGION WATER CORPORATION

Variation to Permanent Water Saving Plan

Westernport Region Water Corporation's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994** and the **Water Act 1989**:

**PERMANENT WATER SAVING PLAN
FOR
WESTERNPORT REGION WATER CORPORATION**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on 29 November 2011 and varied by Westernport Region Water Corporation in accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Westernport Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Westernport Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Westernport Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 170B of the **Water Act 1989**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in each district serviced by Westernport Water; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

‘approved Water Use Plan’ means a Water Use Plan approved by Westernport Water.

‘construction or renovation’ means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘**Council**’ means a council under the **Local Government Act 1989**.

‘**district**’ means the following districts serviced by Westernport Water or part of any such district as specified by Westernport Water including Pioneer Bay, Grantville, Tenby Point, Corinella, Coronet Bay, Glen Forbes, Bass, Woolamai, Kilcunda, Archies Creek, Anderson, Dalyston, Kilcunda, San Remo and all areas on Phillip Island.

‘**fountain or water feature**’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘**garden area**’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See ‘*Lawn area*’).

‘**greywater**’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘**hand-held hose**’ means a hose that is held by hand when it is used.

‘**hard surface**’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘**high pressure water cleaning device**’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘**lawn area**’ means any land, grassed or sown with grass seed but excludes any playing surface. See ‘*garden area*’.

‘**permanent water saving rule**’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘**playing surface**’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘**public garden area**’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘**public garden or lawn area**’ means any public garden area or any public lawn area.

‘**public lawn area**’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘**reclaimed water**’ means water supplied by Westernport Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘recycled water’ means treated sewage or trade waste, supplied by Westernport Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Westernport Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of Westernport Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [*or by plans*], prepared to the satisfaction of Westernport Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Westernport Water

This Plan applies to Water supplied by Westernport Water in each district serviced by Westernport Water.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Westernport Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Westernport Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Westernport Water may, in relation to a specified district or districts:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on www.westernportwater.com.au and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the relevant district and on the website Westernport Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the relevant district and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the relevant district.
- (e) Westernport Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) Westernport Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on www.westernportwater.com.au website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Westernport Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Westernport Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Westernport Water.
- (c) Westernport Water
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Westernport Water considers appropriate; or
 - (B) may refuse the application.
- (d) Westernport Water 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 or when any stage of restrictions are imposed by Westernport Water.

6.3 Approval of Particular Exemptions

Westernport Water must not grant an application for exemption under this clause unless Westernport Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Westernport Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Westernport Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) Westernport Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on www.westernportwater.com.au and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in each district and on the website of Westernport Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan:
- (b) An application for approval of a Water Use Plan must be in a form approved by Westernport Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Westernport Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Westernport Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Westernport Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Westernport Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Westernport Water's customers or the security of available Water supplies in the district where the use will occur; **OR**
 - (iii) would, in the opinion of Westernport Water, be generally supported by other Westernport Water's customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of Westernport Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 **Failure to comply with a Water Use Plan**

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. **PENALTIES FOR NON-COMPLIANCE**

8.1 **Offences under the legislation**

The **Water Act 1989** makes it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 **Penalties under the legislation**

- (a) The **Water Act 1989** also imposes **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Westernport Water's website www.westernportwater.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

Subordinate Legislation Act 1994 (Vic.)

YARRA VALLEY WATER LIMITED

Variation to Permanent Water Saving Plan

Yarra Valley Water Limited's varied Permanent Water Saving Plan is hereby published in accordance with the **Subordinate Legislation Act 1994**:

**PERMANENT WATER SAVING PLAN
FOR
YARRA VALLEY WATER**

Varied plan approved by the Minister for Water, Peter Walsh MLA, on
29 November 2011 and varied by Yarra Valley Water Limited in
accordance with the Minister's approval.

CONTENTS

PREAMBLE

1. AUTHORISING PROVISION AND COMMENCEMENT

2. PURPOSES

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

3.2 Interpretation

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Yarra Valley Water

4.2 Application to Water – General Principles

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

5.2 General Exemptions

6. PARTICULAR EXEMPTIONS

6.1 Guidelines regarding Particular Exemptions

6.2 Applications for Particular Exemptions

6.3 Approval of Particular Exemptions

6.4 Particular Exemptions for Warm Season Grasses

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

7.2 Applications for Water Use Plans

7.3 Approval of Water Use Plans

7.4 Failure to comply with a Water Use Plan

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

8.2 Penalties under the legislation

SCHEDULE 1: PERMANENT WATER SAVING RULES

1. Hand-Held Hose

2. Residential or Commercial Gardens and Lawns

3. Public Gardens and Lawns and Playing Surfaces

4. Fountains and Water Features

5. Cleaning of Hard Surfaces

PERMANENT WATER SAVING PLAN

PREAMBLE

The community recognises that water is a precious resource and should not be wasted. This Permanent Water Saving Plan reflects the value that the community places on water and sets out a set of common sense rules to encourage the efficient use of water and avoid wasting this precious resource.

The rules in this Plan are designed to support the commitment that Victorian communities have made to using water more efficiently. Many households and businesses are harvesting their own water through rainwater tanks, have installed water-efficient appliances, are adopting water-wise practices and are choosing to turn off their taps whenever possible. The rules in this Plan support this collective commitment by requiring the community to use common sense and best practices as part of their everyday use of water.

Yarra Valley Water will continue to work with its community to support individual efforts to use water more efficiently. This will help to ensure there is enough water to sustain liveable and prosperous communities into the future.

The rules in this Plan are also supported by the provisions of the **Water Act 1989** and **Water Industry Act 1994** which require that water must not be wasted. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak from equipment or infrastructure is considered by Yarra Valley Water to be wastage of water.

Water is an essential resource for maintaining life. This Plan therefore does not restrict the use of water for domestic, indoor purposes such as drinking, washing, cleaning or sanitation. Also, despite any rules in this Plan, water can be used at any time:

- for human health requirements;
- for watering of stock and animals;
- for fire fighting;
- for the safety, but not the cleaning, of vehicles and equipment; or
- for cleaning required as a result of an accident, fire, health hazard, safety hazard or other emergency (in accordance with the permitted methods).

1. AUTHORISING PROVISION AND COMMENCEMENT

This Permanent Water Saving Plan is varied under section 78K of the **Water Industry Act 1994**.

2. PURPOSES

The purposes of this Plan are to:

- (a) set out the permanent water savings rules which guide the efficient use of Water on an ongoing and permanent basis in the area of Yarra Valley Water's licence; and
- (b) specify principles for considering applications for exemption from particular permanent water saving rules.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

The following definitions apply in this Plan:

'approved Water Use Plan' means a Water Use Plan approved by Yarra Valley Water.

'construction or renovation' means construction or renovation works on any building or structure including:

- (a) erecting, altering (including painting or other protection works), repairing, demolishing or removing any building or structure;
- (b) civil engineering;
- (c) any preparatory works for the purposes of construction or renovation; and
- (d) any directly associated on-site or off-site activity.

‘**Council**’ means a council under the **Local Government Act 1989**.

‘**fountain or water feature**’ means any (indoor or outdoor) ornamental fountain or water feature of any capacity that projects, circulates or moves water, or otherwise causes water to flow, for an aesthetic or decorative purpose.

‘**garden area**’ means any land upon which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See ‘*Lawn area*’).

‘**greywater**’ means household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

‘**hand-held hose**’ means a hose that is held by hand when it is used.

‘**hard surface**’ includes any courtyard, decking, footpath, driveway or other external area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.

‘**high pressure water cleaning device**’ means a machine which has a pump to increase the pressure of water delivered from a trigger nozzle, at a rate of no greater than 9 litres per minute, forming part of the device, but does not include a hand-held hose.

‘**lawn area**’ means any land, grassed or sown with grass seed but excludes any playing surface. See ‘*garden area*’.

‘**licensed area**’ means the Melbourne metropolitan area for which Yarra Valley Water is a licensee under the **Water Industry Act 1994**.

‘**permanent water saving rule**’ means a restriction or prohibition on the use of Water contained in Schedule 1 of this Permanent Water Saving Plan.

‘**playing surface**’ means any outdoor area used or capable of being used for any organised sport or recreation.

‘**public garden area**’ means any:

- (a) garden area at any park, reserve or other outdoor area, used or available for public recreation or amenity;
- (b) garden area at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority; or
- (c) trees located in a nature strip,

but does **not** include any:

- (d) residential or commercial garden area; or
- (e) playing surface; or
- (f) nature strip.

‘**public garden or lawn area**’ means any public garden area or any public lawn area.

‘**public lawn area**’ means any lawn area:

- (a) at any park, reserve or other outdoor area, used or available for public recreation or amenity; or
- (b) at any cemetery, crematorium, central road area or roundabout under the management or control of a public authority,

but does **not** include:

- (c) any residential or commercial lawn area;
- (d) any playing surface; or
- (e) any nature strip.

‘**reclaimed water**’ means water supplied by Yarra Valley Water that is neither potable water nor recycled water, but is recovered from sources such as stormwater.

‘**recycled water**’ means treated sewage or trade waste, supplied by Yarra Valley Water.

‘residential or commercial garden area’ means any garden area associated with any residential, commercial or industrial premises and includes any garden area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any garden area on an adjacent nature strip in a road adjoining the premises, but does **not** include:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘residential or commercial garden or lawn area’ means any residential or commercial garden area or any residential or commercial lawn area.

‘residential or commercial lawn area’ means any lawn area associated with any residential, commercial or industrial premises and includes any lawn area associated with any:

- (a) dwelling;
- (b) commercial or industrial building;
- (c) hospital or nursing home;
- (d) sporting club;
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute,

and also includes any lawn area on an adjacent nature strip in a road adjoining the premises, but does **not** include any lawn area associated with:

- (g) any commercial market garden; or
- (h) any commercial or Council plant nursery.

‘restriction’ includes prohibition.

‘season’ means summer, autumn, winter or spring.

‘stock and animal health requirements’ means the provision of a reasonable quantity of water for drinking by, or cleaning of, domestic or commercial stock or animals, to maintain their health and wellbeing.

‘stormwater’ means water sourced from the stormwater drainage network of Yarra Valley Water or any other water corporation or a Council.

‘trigger nozzle’ means a nozzle controlled by:

- (a) a trigger which must be depressed continuously, or locked in the ‘on’ position, by hand for water to flow; or
- (b) a discreet switch which can be turned on and off by hand, with a single movement.

‘warm season grass’ means Buffalo, Couch or Kikuyo grass varieties that are appropriate for use in a lawn area.

‘Water’ means:

- (a) water supplied by the works of Yarra Valley Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and

- (b) a mix of:
 - (i) the water described in paragraph (a); and
 - (ii) any other water, including the water described in paragraphs (c)–(f),

but does **not** include:

- (c) recycled or reclaimed water;
- (d) greywater;
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within in the tank is not supplemented in anyway by Water (defined in paragraphs (a) and (b) above).

‘water corporation’ means a water corporation as defined in the **Water Act 1989** or a licensee as defined in the **Water Industry Act 1994**.

‘water tanker’ means any vehicle, including a trailer, configured to transport a volume of water at least one cubic metre or greater.

‘Water Use Plan’ means a document, in writing [or by plans], prepared to the satisfaction of Yarra Valley Water which governs the use of Water for specified purposes, and for the specified stage of restrictions.

‘watering system’ means a watering system that is:

- (a) an automatic watering system that is set to turn on and off automatically, at pre-determined times, without human intervention and, in the case of use for a public lawn or garden or playing surface, is also fitted with a rain or soil moisture sensor;
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

‘Yarra Valley Water’ means Yarra Valley Water Limited ABN 93 066 902 501.

3.2 Interpretation

- (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) If a word is defined, another part of speech has a corresponding meaning.
- (d) 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.
- (e) An interpretation that would promote the efficient use of water must be preferred to an interpretation that would not promote such use.

4. APPLICATION AND GENERAL PRINCIPLES

4.1 Water Supplied by Yarra Valley Water

This Plan applies to Water supplied by Yarra Valley Water in the licensed area.

4.2 Application to Water – General Principles

This Plan applies to **Water** as defined in clause 3.1. Without limiting the meaning of that definition, this means that:

- (a) The permanent water saving rules in Schedule 1 **do** apply to Water supplied by the works of Yarra Valley Water or any other water corporation (including reticulated systems, stand pipes, hydrants, fireplugs and aqueducts) whether or not:
 - (i) that water is delivered directly to the location of its use via those works or is delivered by alternative means including a water tanker; and
 - (ii) whether or not that Water is mixed with any other water.
- (b) The permanent water saving rules in Schedule 1 **do not** apply to recycled or reclaimed water supplied by Yarra Valley Water.
- (c) The permanent water saving rules in Schedule 1 **do not** apply to greywater.
- (d) The permanent water saving rules in Schedule 1 **do not** apply to stormwater.
- (e) The permanent water saving rules in Schedule 1 **do not** apply to rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not supplemented in any way by Water.

5. GENERAL EXEMPTIONS

5.1 Health and Safety Exclusion

Despite any provision of this Plan (including the permanent water savings rules in Schedule 1) Water can be used at any time for:

- (a) human health requirements;
- (b) stock and animal health requirements;
- (c) fire fighting; or
- (d) the safety of, but not the cleaning of, vehicles or equipment.

5.2 General Exemptions

- (a) Yarra Valley Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,general exemptions which specify generally applicable exemptions from permanent water saving rules set out in Schedule 1.
- (b) Without limiting paragraph 5.2(a), the general exemptions may set out:
 - (i) permissible uses of Water which are exempted from a permanent water saving rule set out in Schedule 1, without an application being made under clause 6; and
 - (ii) the conditions upon which any such exemption is granted.
- (c) Exemptions adopted under paragraph (a) must be published on Yarra Valley Water's website and notice of any adoption, amendment or revocation of exemptions must be published in a newspaper circulating generally in the licensed area and on the website of Yarra Valley Water.
- (d) An exemption, or an amendment to an exemption under this clause will apply from the date on which a notice of the exemption is published in a newspaper circulating generally in the licensed area and will cease to apply in accordance with the terms of the exemption or when notice of the revocation is published in a newspaper circulating generally in the licensed area.
- (e) Yarra Valley Water may prepare and publish general exemptions in co-operation with other water corporations.

6. PARTICULAR EXEMPTIONS**6.1 Guidelines regarding Particular Exemptions**

- (a) Yarra Valley Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time, guidelines about applying for exemptions under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Yarra Valley Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in the licensed area and on the website of Yarra Valley Water.

6.2 Applications for Particular Exemptions

- (a) A person may apply to Yarra Valley Water for temporary or permanent exemption from a permanent water saving rule imposed by this Plan.
- (b) An application must be in a form approved by Yarra Valley Water.
- (c) Yarra Valley Water:
 - (i) must consider an application for exemption within a reasonable period;
 - (ii) must have regard to any adopted information or adopted guidelines referred to in sub-clause 6.1; and
 - (iii) subject to this clause:
 - (A) may grant the exemption in full or in part and subject to such conditions as Yarra Valley Water considers appropriate; or
 - (B) may refuse the application.
- (d) Yarra Valley Water 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 or when any stage of restrictions are imposed by Yarra Valley Water.

6.3 Approval of Particular Exemptions

Yarra Valley Water must not grant an application for exemption under this clause unless Yarra Valley Water is reasonably satisfied that the exemption:

- (a) is necessary to avoid an inequitable and disproportionately adverse impact upon the livelihood of the applicant, which would be caused by that particular rule, and is consistent with the water policy of the government; or
- (b) is necessary to avoid any adverse effect on public health or safety.

6.4 Particular Exemptions for Warm Season Grasses

Despite paragraph 6.2(c) and sub-clause 6.3:

- (a) if a person makes an application to Yarra Valley Water for an exemption to establish a warm season grass area at a specified property; and
- (b) an exemption under this sub-clause for the property to which the application relates has not been made in the past 12 months,

the person will, unless and until notified otherwise, be deemed to have been granted the exemption from the date the application is posted or sent by electronic mail to the correct address of Yarra Valley Water, subject to the following conditions:

- (c) the exemption allows Watering solely for the establishment of warm season grass; and
- (d) the exemption expires 28 days after the exemption is deemed to have been granted.

7. WATER USE PLANS

7.1 Guidelines regarding Water Use Plans

- (a) Yarra Valley Water may:
 - (i) prepare, adopt and publish; and
 - (ii) amend or revoke at any time,guidelines about approval of Water Use Plans under this clause.
- (b) Guidelines adopted under paragraph (a) must be published on Yarra Valley Water's website and notice of any adoption, amendment or revocation of guidelines must be published in a newspaper circulating generally in the licensed area and on the website of Yarra Valley Water.

7.2 Applications for Water Use Plans

- (a) A person may make an application under this clause where a permanent water savings rule in Schedule 1 permits Water use in accordance with an approved Water Use Plan.
- (b) An application for approval of a Water Use Plan must be in a form approved by Yarra Valley Water.
- (c) Yarra Valley Water:
 - (i) must consider an application for approval of a Water Use Plan within a reasonable period;
 - (ii) must have regard to any adopted guidelines referred to in clause 7.1; and
 - (iii) subject to this clause:
 - (A) may grant the application for approval, subject to such conditions as Yarra Valley Water considers appropriate; or
 - (B) refuse the application for approval.

7.3 Approval of Water Use Plans

Yarra Valley Water must not approve a Water Use Plan unless:

- (a) the Water Use Plan sets out:
 - (i) the person(s) and property (where applicable) to which the Water Use Plan applies;
 - (ii) the use(s) to which the Water Use Plan applies; and
 - (iii) when the Water Use Plan expires or ceases to apply; and
- (b) Yarra Valley Water is reasonably satisfied that the use of Water in accordance with the Water Use Plan:
 - (i) would result in Water savings commensurable to the Water savings that would result from Water use in accordance with the restrictions (other than a Water Use Plan) for that use of Water under the permanent water saving rule contained in Schedule 1 that is relevant to that use; **OR**
 - (ii) would not, in combination with the use of Water in accordance with Water Use Plans approved or reasonably anticipated by Yarra Valley Water to be approved for similar uses of Water, have a significant impact on the total daily demand for Water by Yarra Valley Water's customers or the security of available Water supplies in the licensed area where the use will occur; **OR**
 - (iii) would, in the opinion of Yarra Valley Water, be generally supported by other Yarra Valley Water customers who are affected by the permanent water saving rule; **OR**
 - (iv) would, in the opinion of Yarra Valley Water, be considered to demonstrate a best practice or highly efficient use of Water for that purpose; **OR**
 - (v) would provide a broader public benefit.

7.4 Failure to comply with a Water Use Plan

For the avoidance of doubt, if an approved Water Use Plan is in place in relation to a use of Water, but the use of Water is not carried out in accordance with the approved Water Use Plan, that use of Water is subject to the permanent water savings rule contained in Schedule 1 that is relevant to that use.

8. PENALTIES FOR NON-COMPLIANCE

8.1 Offences under the legislation

The **Water Industry Act 1994** and **Water Act 1989** make it an offence:

- (a) to contravene a permanent water saving rule on the use of water imposed under this Plan; and
- (b) to waste, misuse or excessively consume water.

8.2 Penalties under the legislation

- (a) The **Water Industry Act 1994** and **Water Act 1989** also impose **substantial penalties** for particular offences, which may include Penalty Infringement Notices or one or more of fines, imprisonment and daily penalties or disconnection of services to a property.
- (b) The value of each penalty increases each year under the **Monetary Units Act 2004**. The current value of each penalty for contravening a particular permanent water saving rule is set out on Yarra Valley Water's website www.yvw.com.au

SCHEDULE 1: PERMANENT WATER SAVING RULES

USE	PERMANENT WATER SAVING RULES
1. Hand-Held Hose	Water from a hand-held hose must not be used for any purpose (whether or not the use is subject to a permanent water saving rule) at any time unless the hose: <ul style="list-style-type: none"> ● is fitted with a trigger nozzle; and ● is leak-free.
2. Residential or Commercial Gardens and Lawns	A residential or commercial garden or lawn area cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system between the hours of 6 pm and 10 am on any day.
3. Public Gardens and Lawns and Playing Surfaces	A public garden or lawn area or a playing surface cannot be Watered except: <ul style="list-style-type: none"> ● with a hand-held hose, bucket or watering can at any time; or ● by means of a watering system fitted with a rain or soil moisture sensor between the hours of 6 pm and 10 am on any day; or ● in accordance with an approved Water Use Plan.
4. Fountains and Water Features	Water cannot be used in a fountain or a water feature unless the fountain or water feature recirculates the Water.
5. Cleaning of Hard Surfaces	Water cannot be used to clean hard surfaces (including driveways, paths, concrete, tiles, timber decking) except: <ul style="list-style-type: none"> ● where cleaning is required as a result of an accident, fire, health hazard, safety hazard or other emergency; or ● if staining to the surface has developed and then only once a season; or ● in the course of construction or renovation, and then only by means of: <ul style="list-style-type: none"> ● a high pressure water cleaning device; ● or if such a device is not available, a hand-held hose or a bucket.

This page was left blank intentionally

bluestar  **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2011

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order**Mail Order****Victoria Government Gazette**

Level 5, 460 Bourke Street
Melbourne 3000
PO Box 1957 Melbourne 3001
DX 106 Melbourne

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

email

gazette@bluestargroup.com.au

**Retail &
Mail Sales****Victoria Government Gazette**

Level 5, 460 Bourke Street
Melbourne 3000
PO Box 1957 Melbourne 3001

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

**Retail
Sales****Victorian Government Bookshop**

Level 20, 80 Collins Street
Melbourne 3000

**Telephone**

1300 366 356

**Fax**

(03) 9603 9920

Price Code G