



108 PERMANENT WATER SAVING POLICY

The Berrigan Shire Council Permanent Water Saving Policy has been compiled in accordance with Section 637 of the Local Government Act 1993. The key aim of the policy is to regulate the responsible use of water resources and prevent the waste and misuse of water within the Berrigan Shire local government area.

The policy will do this by:

- Setting out permanent restrictions and prohibitions on the use of water in areas of Berrigan Shire served by reticulated water; and
- Specifying principles for the consideration of applications for exemption from particular restrictions or prohibitions.

The policy applies to water supplied by Berrigan Shire Council from all water reticulation pipes within the Shire. It should be read in conjunction with the definitions listed at the end of the policy.

Permanent Restrictions and Prohibitions

The following permanent water saving restrictions and prohibitions have been introduced to regulate the responsible use of water resources and prevent waste and misuse. These restrictions and prohibitions apply to water supplied from water reticulation pipes within Berrigan Shire. They **do not** apply to:

- Recycled water supplied by Berrigan Shire Council; or
- Watering a residential or commercial garden with grey water; or
- Using 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 augmented in any way by water supplied by Berrigan Shire Council.

Permanent Restrictions and Prohibitions

PURPOSE	RESTRICTION / PROHIBITION
Residential or Commercial Gardens (including lawns)	<ul style="list-style-type: none"> • An automatic watering system must not be used, except between 10.00pm and 10.00am on any day of the week. No restriction applies at any time to the testing of automatic watering systems to ensure that they are operating correctly. • A manual watering system must not be used, except between: <ul style="list-style-type: none"> ○ 8.00pm and 10.00am on any day of the week DST; or ○ 6.00pm and 10.00am on any day of the week EST. • No restriction applies at any time to the use of a hand-held hose fitted with a trigger nozzle, a watering-can or a bucket.

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PURPOSE	RESTRICTION / PROHIBITION
Public Gardens (including lawn) and Sports Grounds / Recreational Areas	<ul style="list-style-type: none"> • An automatic watering system must not be used, except between 10.00pm and 10.00am on any day of the week. No restriction applies at any time to the testing of automatic watering systems to ensure that they are operating correctly. • A manual watering system must not be used, except between: <ul style="list-style-type: none"> ○ 8.00pm and 10.00am on any day of the week DST; or ○ 6.00pm and 10.00am on any day of the week EST. • No restriction applies at any time to the use of a hand-held hose fitted with a trigger nozzle, a watering-can or a bucket.
Fountains	<ul style="list-style-type: none"> • A fountain which does not re-circulate water must not be operated. • No restriction applies to topping up a fountain at any time, provided that no more water than is necessary for that purpose is used.
Wholesale, Retail Garden Nurseries	<ul style="list-style-type: none"> • No restriction or prohibition applies to the watering of plants of any description (including vegetables).
Vehicle Cleaning (all vehicles)	<ul style="list-style-type: none"> • A hand held hose must not be used at any time to clean a vehicle unless it is fitted with a trigger nozzle. • No restriction applies to using a bucket. • No restriction applies to using a high pressure water cleaning device, a commercial car wash, or a Council run vehicle cleaning facility.
Paved Areas – Cleaning	<ul style="list-style-type: none"> • A paved area must not be cleaned with water from a hose unless cleaning is required as a result of: <ul style="list-style-type: none"> ○ An accident, fire, health hazard or other emergency; ○ An identifiable safety hazard that has developed and a hand held hose fitted with a trigger nozzle or a high pressure water cleaning device is used; ○ Staining to the surface has developed, and a hand held hose fitted with a trigger nozzle or a high pressure water cleaning device is used, and then only once per season; ○ Construction or renovation work to the surface and a high pressure water cleaning device is used.
Construction Industry	<ul style="list-style-type: none"> • A hose must not be used unless it is: <ul style="list-style-type: none"> ○ Fitted with a trigger nozzle; and ○ Is in good condition and does not leak.

In addition to the above restrictions and prohibitions, Section 160 of the Local Government (General) Regulation 2005 states that occupiers of premises supplied with water from the council's water supply system must not:

- Take any of the water away from the premises, or
- Allow any other person to take any of the water away from the premises, or
- Use water contrary to a council notice restricting the use of water, other than in accordance with arrangements instituted by the council.

Exemptions

General exemptions



Berrigan Shire Council may prepare, adopt and publish general exemptions that specify generally applicable exemptions from the restrictions and prohibitions set out in the above table and the conditions under which the exemption is granted.

Exemptions under this clause may be granted without a written application being made by an applicant for an exemption, and general exemptions may be amended or revoked by the Council at any time.

The following general exemptions apply to commercial operations supplied with reticulated water by Berrigan Shire Council:

PURPOSE	CONDITIONS
Finley Livestock Exchange	Paved areas may be cleaned at any time as long as: <ul style="list-style-type: none">The hose used is in good condition; andWater wastage is minimized.
Commercial Car Wash Facilities	<ul style="list-style-type: none">An exemption to the restrictions on vehicle cleaning is available to commercial car wash facilities that have received development consent to operate.The facility must be operated in a way that minimizes water wastage.
Commercial Truck Wash Facilities	Commercial truck wash facilities are exempted from the restrictions for "vehicle cleaning" as long as: <ul style="list-style-type: none">The hose used is in good condition; andWater wastage is minimized.

Applications for Particular Exemptions

A person may apply to the Council for a temporary or permanent exemption from a restriction or prohibition imposed by this policy. The application must be made in writing and addressed to the General Manager.

All applications for an exemption will be considered, and the Council may:

- Grant the application in full or in part and subject to the conditions deemed appropriate; or
- Refuse the application.

The exemption ends at the date or time specified in the exemption, and may be amended or revoked at any time by the Council.

Rules About Particular Exemptions

Exemptions will not be granted in relation to a particular restriction or prohibition unless the Council officer determining the application is reasonably satisfied that the proposed exemption:

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- Is necessary to avoid an inequitable and disproportionately adverse impact on the livelihood of the applicant, which would be caused by that restriction or prohibition, and is consistent with the water saving policy of the Council; or
- Is necessary to avoid any adverse effect on public health or safety.

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Penalties for Non-Compliance

Section 637 of the Local Government Act 1993 specifies that a person who willfully or negligently wastes or misuses water from a public water supply or causes any such water to be wasted is guilty of an offence.

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The penalty for an offence under this Section is set out in Schedule 12 of the Local Government (General) Regulation 2005. At the date this policy was adopted the penalty for an offence was \$220.

If an offence against this section is committed, the occupier of the premises on which the offence was committed is guilty of the offence as if the occupier were the actual offender unless the occupier proves that the waste or misuse constituting the offence:

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- Was not reasonably within the occupier's knowledge; and
- Was caused by the act of the person other than a member of the occupier's household or other than a person employed on the premises by the occupier.

Should the offence continue the offender may be prosecuted. At the date this policy was adopted the maximum penalty that could be issued was \$2200 or 20 penalty units.

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Definitions

Automatic Watering System

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

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Dripper

A device that drips water at a low rate of flow directly onto the root zone of plants.

DST

Daylight Savings Time

EST

Eastern Standard Time

Fountain

Any indoor or outdoor ornamental fountain:

- With a volume of less than 500 litres and that



	projects water more than 20cm above the water outlet; or	
	<ul style="list-style-type: none">• With a volume greater than 500 litres and that emits water for ornamental purposes.	
Greywater	Household waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.	P
Hand-held hose	A hose that is held by hand when it is used.	O
High pressure water cleaning device	A machine which has a pump to increase the pressure of the water delivered from a trigger nozzle forming part of the device.	
Manual Watering System	A watering system which is not an automatic system; or an automatic watering system, operated other than automatically.	I
Microspray	A device that incorporates a nozzle made to emit a fine spray.	
Paved Area	Includes any courtyard, decking, footpath, driveway or other area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.	I
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.	
Public Authority	Any body constituted by or under an Act; or exercising powers under an Act, for a public purpose and includes a Council under the Local Government Act 1993.	C
Public Garden	Any garden, lawn, nature strip, plantation, park or reserve (other than a sports ground) managed or controlled by a public authority, but does not include a residential or commercial garden.	
Recycled Water	Water supplied by Berrigan Shire Council that is recovered from sources such as stormwater or treated sewage.	Y
Residential or	Land use or intended to be used as a garden or lawn, from which produce (including vegetables) is	

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Commercial garden

not sold, associated with:

- a) A dwelling; or
- b) A commercial or industrial building; or
- c) A hospital, nursing home or similar institution; or
- d) A religious facility; or
- e) A pre-school, school, university, research institute or similar institution; or
- f) Any other not-for-profit organization, and includes any adjacent nature strip.

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Retail Garden Nursery

Any land primarily used to propagate, grow or display plants of any description, or their produce (including vegetables) for the purpose of sale or other distribution for profit, primarily to the public.

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Season

Summer, autumn, winter or spring.

Sprayer

A device that incorporates a nozzle made to emit a broad spray.

Sprinkler

A device designed to distribute, disperse, sprinkle or spray water.

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Test

A short, trial run of the equipment to make sure it is working correctly.

Trigger Nozzle

A nozzle controlled by:

- A trigger which must be depressed continuously, or locked in the “on” position, by hand for water to flow; or
- A discrete switch which can be turned off or on by hand, with a single movement.

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Vehicle

Includes every type of vehicle and any vessel (including the hull, any attachment thereto and any trailer for that vessel) or aircraft.

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Watering System

Every component of a system to distribute water to a garden, lawn or other vegetation, including sprinklers, sprayers, microsprayers and drippers.

Wholesale Garden Nursery

Any land primarily used to propagate, grow or display plants of any description or their produce (including vegetables) for the purpose of sale or other distribution for profit, primarily to retailers, rather than the public.



(Adopted by Council 15/11/2006)

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