



## Policy

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### PERMANENT WATER SAVING

Strategic Outcome:	Supported and engaged communities
Policy type	Strategic
Date of Adoption:	15 June 2022 <span style="float: right;">Minute Number: 154</span>
Date for Review:	17 June 2026
Responsible Officer:	Director Infrastructure
Document Control:	Replaces Permanent Water Saving Policy adopted 19 September 2018
Delivery Program Link:	<i>Delivery Program Objective: 3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services</i>

#### 1. POLICY STATEMENT

The following permanent water saving restrictions and prohibitions have been introduced to regulate the responsible use of water resources and prevent waste and misuse.

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

#### 2. PURPOSE

The purpose 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.

#### 3. SCOPE

The policy applies to water supplied by Berrigan Shire Council from all water reticulation pipes within the Shire.

This policy does not apply to water sourced from other sources such as:



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- Recycled water supplied by Berrigan Shire Council; or
- Grey water;
- Water sourced from a bore or well; or
- 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

### 4. OBJECTIVE

This Policy has been developed to assist the Council with Delivery Plan Objective 3.1.4

*Coordinate and facilitate the delivery of potable water, public health and safety services*

### 5. DEFINITIONS

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

**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
- with a volume greater than 500 litres and that emits water for ornamental purposes.

**Greywater:** Household wastewater from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.

**Hand-held hose:** A hose that is held by hand when it is used.

**High pressure 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.



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<b>Microspray:</b>	A device that incorporates a nozzle made to emit a fine spray.
<b>Paved Area:</b>	Includes any courtyard, decking, footpath, driveway or other area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.
<b>Person:</b>	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.
<b>Public Authority:</b>	Anybody constituted by or under an Act; or exercising powers under an Act, for a public purpose and includes a Council under the <i>Local Government Act 1993</i> .
<b>Public Garden:</b>	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.
<b>Recycled Water:</b>	Water supplied by Berrigan Shire Council that is recovered from sources such as stormwater or treated sewage.
<b>Residential:</b>	Land used or intended to be used as a garden or lawn, from which produce (including vegetables) is
<b>Retail Garden Nursery</b>	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.
<b>Season:</b>	Summer, autumn, winter or spring.
<b>Sprayer:</b>	A device that incorporates a nozzle made to emit a broad spray.

## 6. POLICY IMPLEMENTATION

### 6.1 Permanent restrictions and prohibitions

The following permanent water restrictions will apply in Berrigan Shire



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PURPOSE	RESTRICTION / PROHIBITION
<b>Residential or Commercial Gardens (including lawns)</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• A manual watering system must not be used, except between:               <ul style="list-style-type: none"> <li>○ 8.00pm and 10.00am on any day of the week DST; or</li> <li>○ 6.00pm and 10.00am on any day of the week EST.</li> </ul> </li> <li>• 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.</li> </ul>
<b>Public Gardens (including lawn) and Sports Grounds / Recreational Areas</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• A manual watering system must not be used, except between:               <ul style="list-style-type: none"> <li>○ 8.00pm and 10.00am on any day of the week DST; or</li> <li>○ 6.00pm and 10.00am on any day of the week EST.</li> </ul> </li> <li>• 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.</li> </ul>
<b>Fountains</b>	<ul style="list-style-type: none"> <li>• A fountain which does not re-circulate water must not be operated.</li> <li>• No restriction applies to topping up a fountain at any time, provided that no more water than is necessary for that purpose is used.</li> </ul>
<b>Wholesale, Retail Garden Nurseries</b>	<ul style="list-style-type: none"> <li>• No restriction or prohibition applies to the watering of plants of any description (including vegetables).</li> </ul>
<b>Vehicle Cleaning (all vehicles)</b>	<ul style="list-style-type: none"> <li>• A hand held hose must not be used at any time to clean a vehicle unless it is fitted with a trigger nozzle.</li> <li>• No restriction applies to using a bucket.</li> <li>• No restriction applies to using a high-pressure water cleaning device, a commercial car wash, or a Council run vehicle cleaning facility.</li> </ul>
<b>Paved Areas – Cleaning</b>	<ul style="list-style-type: none"> <li>• 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"> <li>○ an accident, fire, health hazard or other emergency;</li> </ul> </li> </ul>



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PURPOSE	RESTRICTION / PROHIBITION
	<ul style="list-style-type: none"> <li>○ 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;</li> <li>○ 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;</li> <li>○ construction or renovation work to the surface and a high-pressure water cleaning device is used.</li> </ul>
<b>Construction Industry</b>	<ul style="list-style-type: none"> <li>● A hose must not be used unless it is:               <ul style="list-style-type: none"> <li>○ fitted with a trigger nozzle; and</li> <li>○ in good condition and does not leak.</li> </ul> </li> </ul>

### 6.2 Exemptions

#### 6.2.1 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"> <li>● the hose used is in good condition; and</li> <li>● water wastage is minimised.</li> </ul>
Commercial Car Wash Facilities	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 minimises 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"> <li>● the hose used is in good condition; and</li> <li>● water wastage is minimised.</li> </ul>



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### 6.2.2 Applications

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 Chief Executive Officer.

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.

### 6.2.3 Assessment

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 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
- any adverse effect on public health or safety.

## 6.3 Penalties

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.

The penalty for an offence under this Section is set out in Schedule 12 of the *Local Government (General) Regulation 2021*. 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:

- 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.

If the offending continues the offender may be prosecuted. At the date this policy was adopted the maximum penalty that could be issued was \$2,200 or 20 penalty units



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### 6.4 Enforcement

Where possible, the Council will look to educate residents and businesses on the content of this policy and the need to conserve water, rather than a punitive role actively seeking out offending use.

The Council does reserve the right to issue penalty notices for repeated and/or egregious breaches of this policy.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 7.1 Legislation

- *Local Government Act 1993*
- Local Government (General) Regulation 2021

### 7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Integrated Water Cycle Management Plan
- Water Asset Management Plan
- User Fees and Charges Policy

## 8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

## 9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

## 10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:



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This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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### 11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0	15.06.2022	Minor Review	Director Infrastructure

### APPENDICES

Nil