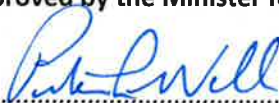

Permanent Water Saving Plan

for

South East Water

Varied plan approved by the Minister for Water


.....

(Signature)

29-11-2011
.....

(Date)

Varied, in accordance with the Minister's approval, by

South East Water on

1-12-11
.....

(Date)

By: 
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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	<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 6pm and 10am 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 6pm and 10am 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.

