



East Gippsland **Water**

**REGULATING, RESTRICTING
OR PROHIBITING THE USE
OF WATER FOR OTHER
THAN DOMESTIC
PURPOSES**

BY-LAW NO. 003/97

1. Title

This by-law may be cited as By-Law No. 003/97 Regulating, Restricting or Prohibiting the use of water for other than domestic purposes.

2. Objective

The objective of this by-law is to regulate, restrict or prohibit the use of water for other than domestic purposes.

3. Authorising Provision

This by-law is made under Sections 160, 161 and 171(a) of the Water Act 1989.

4. Repeals

All other by-laws relating to the subject matter herein shall be and are now repealed.

5. Definitions

In this by-law:-

"Active Playing Surface" means

- (a) a cricket pitch, or
- (b) a running track; or
- (c) a golf green; or
- (d) a tennis court; or
- (e) other principal part of a sportsground used as a playing area during a sport, game or competition.

"Approved Watering System" means an automatic watering system designed to conserve water by use of

- (a) soil moisture sensors; or
- (b) time controllers; or
- (c) sprinklers sprays or drips; or
- (d) any combination of (a), (b) and (c).

"Automatic Watering System" means a system for applying water to gardens or land through devices controlled by mechanical, electrical, electronic or hydraulic means.

"Authority" means the East Gippsland Region Water Authority.

"Commercial Market Garden or Plant Nursery" means land used wholly or primarily for the growing of trees, shrubs, instant lawn, flowers, vegetables, fruit, seed or seedlings or other like produce for sale or distribution for profit.

"Declare" means the bringing into operation of a period of restriction within a specified area, a variation of a period of restriction within a specified area or the termination of a period of restriction within a specified area and "Declaration" has a similar meaning.

"Domestic Use" in relation to water means use for household purposes or for watering animals kept for domestic purposes but does not include use for watering any other animals or any trees, shrubs, plants, grass, lawns or courts or flowers or any garden whatsoever or any part of the curtilage of the house or for the provision of power or for fountains, ponds or ornamental purposes or for any trade or business or for any other purpose whatsoever.

"Garden" means any ground used for the cultivation of or in which are situate trees, shrubs, flowers, vegetables, lawns or vegetation of any kind.

"Mainpipe" means any pipe vested in belonging to, or under the control of, the Authority used for the conveying and the supplying of water.

"Newspaper" means a newspaper circulating generally within the Authority's district or part thereof which has been made subject to a period of restriction.

"Penalty Unit" means a penalty unit provided for and to the value specified in the Sentences Act 1991.

"Period of Restriction" means a period in which the use of water supplied by the Authority shall be used in accordance with the requirements set out in any one of the stages numbered 1 to 4 herein and which stage is declared by the Authority to come into operation for a period within the Authority's district or part thereof as the Authority may from time to time declare by notice published in a newspaper.

"Person" means and includes ,a body politic or corporate, public authority, a body or association (corporate or unincorporated); a partnership as well as an individual.

"Private Garden" means a garden or native strip forming part of or intended for use with

- (a) a dwelling; or
- (b) a building used for commercial or industrial purposes; or
- (c) a hospital, home for the aged or other like institution; or
- (d) a university, school, research institution or other like institution; or
- (e) a cemetery.

"Public Authority" means any corporation, board, commission, trust or other body corporate or unincorporate established or constituted by or under any Act for any public purposes and shall include any municipality or the council of any municipality.

"Public Garden" means a garden, nature strip or road plantation managed or controlled by a public authority.

"Specified Area" means the Authority's district or part thereof supplied with water by the Authority from a mainpipe within which a period of restriction is in operation.

"Sportsground" means any ground used or adapted for use for the purpose of any sport, game, contest or other form of recreation by any club, school institution or like organisation or by any person normally conducting any sport, game or contest or other form of recreation upon such ground within the curtilage of a commercial or industrial building or of a building used for domestic purposes unless regularly used for gain or reward.

"Sprinkler" means a fixed pipe hose system soaking system device or the like used to distribute, disperse, sprinkle or spray water, any manner, method or system for the spraying, sprinkling or dispersing of water other than a hose, pipe, appliance or the like whilst being held in the hand.

"Stage" means a set of restrictions on the use of water supplied by the Authority as set out in this By-law and being any one of the stages numbered 1 to 4 herein.

6. If in the opinion of the Authority it is necessary to reduce the consumption of water supplied by the Authority from a mainpipe for other than domestic use within the Authority district or part thereof the Authority may at any time, and from time to time, declare that this by-law implementing any one stage of the stages numbered 1 to 4 herein shall come into operation in respect to the Authority district or part thereof and thereupon the area so declared shall be a declared area and the use of water so supplied within that declared area shall be subject to the period of restriction thereby brought into operation and the water so supplied shall be used in accordance with the stage thereby brought into operation.

7. If in any declared area in the opinion of the Authority (having regard to the water supply then available) any other stage of the stages 1 to 4 herein should come into operation in substitution for the stage then in operation the Authority may at any time and from time to time declare that another stage shall come into operation and thereafter the use of water so supplied within that declared area shall be subject to the period of restriction thereby brought into operation and the water so supplied shall be used in accord with the stage thereby brought into operation.

8. The Authority may introduce all or any part of any one stage of the stages 1 to 4 herein, to a declared area, if the predicted temperature for the following day exceeds 32⁰ C.

9. Any declaration made pursuant to Clause 6, 7 or 8 hereof shall be published by means of a notice in a newspaper and subject to such publication shall take effect as provided in such notice.

10. During any period of restriction in any specified area, water supplied by the Authority from a mainpipe shall be used in accord with the following stages.

STAGE 1 (Mild Restrictions)

Private and Public Gardens

- Sprinklers must not be used except between the hours of 8.00 p.m. and 11 00 p.m. and between 6.00 a.m. and 9.00 a.m.
- Automatic watering systems may be used between 11.00 p.m. and 6.00 a.m.
- Microspray and drip systems can be used at any time.
- Hand held hoses can be used at any time.

Garden Ponds and Fountains

- Garden ponds and fountains may only be topped from hand held hoses. Newly constructed ponds/fountains must not be filled without written permission from the Authority.
- Fountains must not operate unless they have a facility to recycle water.

Private Swimming Pools and Spas

- Newly constructed swimming pools and spas must not be filled without written permission from the Authority.
- Hand held hose may be used to top up existing pools to replace water lost through evaporation.

Paved Areas

Water must not be used to clean paved areas unless:

- (a) dirt and debris cannot be removed without water;
- (b) cleaning is required as a result of an accident, fire, health hazard or other emergency.

Vehicle Cleaning

Vehicles may only be cleaned by means of a watering can or bucket filled directly from a tap or rinse by a hand held hose after washing.

Commercial Market Garden or Plant Nurseries

No restrictions.

Sports Ground

- Manual sprinkler systems may only be used between 7.00 p.m. and 9.00 p.m.

- Approved automatic watering systems may only be used between the hours of 12.00 midnight and 4.00 a.m.
- Active playing surfaces may be watered at any time by hand held hose.

STAGE 2 (Medium Restriction)

Private and Public Gardens

- Sprinklers must not be used except between the hours of 8.00 p.m. and 10.00 p.m. and between 6.00 a.m. and 8.00 a.m.
- Automatic watering systems may be used between 10.00 p.m. and 3.00 a.m.
- Microspray and drip systems can be used from 6.00 p.m. to 6.00 a.m.
- Hand held hoses can be used at any time.

Garden Ponds and Fountains

- Garden ponds and fountains may only be topped up from hand held hoses. Newly constructed ponds must not be filled without written permission from the Authority.
- Fountains must not operate unless they have a facility to recycle water.

Private Swimming Pools and Spas

- Newly constructed swimming pools and spas must not be filled without written permission from the Authority.
- Hand held hose may be used to top up existing pools to replace water lost through evaporation.

Paved Areas

Water must not be used to clean paved areas unless:

- (a) dirt and debris cannot be removed without water;
- (b) cleaning is required as a result of an accident, fire, health hazard or other emergency.

Vehicle Cleaning

Vehicles may only be cleaned and rinsed by a bucket or watering can filled directly from a tap.

Commercial Market Garden or Plant Nurseries

- Sprinklers must not be used except between the hours of 8.00 p.m. and 10.00 p.m. and between 6.00 a.m. and 8.00 a.m.
- Automatic watering systems may be used between 10.00 pm and 3 00 a.m.
- Microspray and drip systems can be used from 6.00 p.m. to 6.00 a.m.
- Hand held hose may be used at any time.

Sports Ground

- Manual sprinkler systems may only be used between 7.00 p.m. and 8.00 p.m.
- Approved automatic watering systems may only be used between the hours of 12.00 midnight and 2.00 a.m.
- Active playing surfaces may be watered at any time by hand held hose.

STAGE 3 (High Restriction)

Private and Public Gardens

- Sprinklers and automatic watering systems must not be used.
- Lawn areas must not be watered.
- Microspray and drip systems may be used from 6.00 p.m. to 10.00 p.m.
- Hand held hoses allowed on garden areas only between the hours of 7.00 p.m. and 10.00 p.m.
- An odds and evens house numbering system be introduced to further restrict demand in this stage.

Garden Ponds and Fountains

- Replenish evaporated water by bucket only.
- Fountains must not operate unless they have a facility to recycle water.

Private Swimming Pools and Spas

- Newly constructed swimming pools and spas must not be filled without written permission from the Authority.
- Hand held hose or bucket, to be used for the topping up of existing pools to replace water lost through evaporation.

Paved Areas

Water must not be used to clean paved areas unless cleaning is required as a result of an accident, fire, health hazard or other emergency.

Vehicle Cleaning

Vehicles may only be cleaned and rinsed by a bucket or watering can filled directly from a tap.

Commercial Market Garden or Plant Nurseries

- Automatic watering systems must not be used except for those approved in writing by the Authority and then only between the hours of 7.00 p.m. and 10.00 p.m. and between 6.00 a.m. and 10.00 a.m.
- Hand held hose may be used at any time.

Sports Ground

- Non active playing surfaces only to be watered if written consent obtained from the Authority.
- Active playing surfaces may be watered at any time by hand held hoses.

STAGE 4 (Critical Restriction)

Private and Public Gardens

- Microsprays and drip systems may be used on trees and shrubs only between the hours of 7 00 p.m. and 9.00 p.m.
- Automatic watering systems must not be used.
- Hoses must not be used.
- Lawn areas must not be watered.

Garden Ponds and Fountains

Filling is totally banned (except for cases where fish and bird life is being sustained whereby buckets only are to be used).

Private Swimming Pools and Spas

Newly constructed pools must not be filled and topping up existing pools is prohibited.

Paved Areas

Water must not be used to clean paved areas unless cleaning is required as a result of an accident, fire, health hazard or other emergency.

Vehicle Cleaning

Water must not be used to clean a vehicle except when cleaning is required for health or safety reasons.

Commercial Market Garden or Plant Nurseries

Automatic watering systems may only be used with the written approval of the Authority and hand held hoses may be used any time.

Sports Ground

- Non active playing surfaces must not be watered.
- Active playing surfaces may only be watered with a bucket or watering can filled directly from a tap.

11. Significant Trees

Notwithstanding the restrictions defined above, the Authority, if it considers that particular trees should be preserved because of their significant age, size, beauty or exotic origin or any other significant value, may authorise in writing the use of approved watering systems to water those trees through stages 3 and 4. The allowable times of watering and type of watering will depend on the tree to be saved and will be defined by the Authority.

12. The Authority, having regard to the water supply then available, may by declaration published in a newspaper:-

- (a) specify the hour and day of the conclusion of a period of restriction where such conclusion was not specified when the period of restriction was declared;
- (b) specify an earlier conclusion where the hour and day of the conclusion of the period of restriction was specified when the period of restriction was declared.

13. Any person who uses or permits or suffers water supplied by the Authority to be used contrary to the provision of this by-law shall be guilty of an offence and shall be liable to a penalty not exceeding ten penalty units.

14. If any person supplied with water by the Authority does or causes to be done anything in contravention of this By-law the Authority may (without prejudice to any other remedy herein in respect thereof) reduce restrict or discontinue the supply of water to that person but this Clause shall not apply to the supply of water for domestic use.

15. The Authority may by notice published in a newspaper vary the time or times specified in any stage of this by-law.

The above By-Law was made and passed by East Gippsland Region Water Authority
on _____, 1997.

Dated this _____ day of _____ 1997.

**THE COMMON SEAL OF
EAST GIPPSLAND REGION WATER AUTHORITY
WAS AFFIXED HERETO
IN THE PRESENCE OF:**

..... Chairman

..... Member

..... General Manager

Approved as delegate of the
Minister for Agriculture and Resources
on _____, 1997.