



Model Water Restriction By-law

Number 8

Part A: Definitions

**Issued by the Minister for Water, as Minister
administering the *Water Act 1989***

SCHEDULE 1

SCHEDULE OF WATER RESTRICTIONS

PART A – DEFINITIONS

"Act" means the *Water Act 1989*.

"**alternate day**" means:

- (a) in the case of a property with an odd street number, each odd-numbered day of any month; and
- (b) in the case of a property:
 - (i) with an even street number; or
 - (ii) without a street number,each even-numbered day of any month; and
- (c) in the case of any property, the 31st day of any month or the 29th day of February.

"**alternative source of water**" means a source of water other than supplied drinking water, including:

- (a) recycled water; and
- (b) reclaimed water; and
- (c) greywater; and
- (d) rainwater other than rainwater from a rainwater tank in which rainwater is mixed with supplied drinking water.

"**animal husbandry**" includes keeping, raising or breeding any animals or birds either:

- (a) for commercial purposes; or
- (b) on such a scale, or in such a manner, as could reasonably be considered to be comparable to a commercial undertaking.

"**approved Water Use Plan**" means a Water Use Plan approved by South Gippsland Water

"**Automatic Water Top Up Device**" means any automatic top up device with appropriate backflow protection that maintains a water level at the minimum level required for the safe and efficient operation of, and to maintain the integrity of, the equipment which the device is servicing.

"**building façade or window**" means any external surface of, or attached to, a building, including any roof, wall, window or blind of that building.

"**commercial car wash**" means any commercial facility for washing vehicles.

"commercial market garden" means an area (indoors or outdoors) used wholly or primarily to propagate, cultivate or harvest fruit, vegetables, vines or other edible plants for sale (retail or wholesale) or distribution for profit.

"commercial or Council plant nursery" means an area (indoors or outdoors) used wholly or primarily to propagate, cultivate or harvest plants (including seed stock, turf and flowers):

- (a) for sale (retail or wholesale) or distribution for profit; or
- (b) for any Council use.

"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; and
- (b) civil engineering; and
- (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 2020*.

"dam or tank" does not include a pond or lake.

"district" means one of the following districts serviced by South Gippsland Water or part of any of those districts as specified by South Gippsland Water:

Wonthaggi Water District
Inverloch Water District
Cape Paterson Water District
Korumburra Water District
Leongatha Water District
Meeniyan Water District
Dumbalk Water District
Nyora Water District
Poowong Water District
Loch Water District
Fish Creek Water District
Foster Water District
Toora Water District
Welshpool Water District
Alberton Water District

"drinking water" has the same meaning as in the *Safe Drinking Water Act 2003*;

"dripper watering system" means:

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- (a) a watering system (automatic or manual) which drips water on the root zone of plants, by drippers at a fixed rate of flow, not exceeding 9 litres per hour for every linear metre of the watering system; or
 - (b) a "non-dripper" watering system (automatic or manual) which to the satisfaction of South Gippsland Water is of equal efficiency to or greater efficiency than a dripper water system described in paragraph (a).

"drought response plan" means a plan developed by South Gippsland Water, for the purpose of responding to drought or other water shortage, as required under its Statement of Obligation issued under section 4I of the *Water Industry Act 1994*.

"edible plants" includes plants that can be eaten, imbibed or used to flavour food or drinks.

"existing " means in existence at the time when the prevailing stage of restriction was declared.

"fill" means adding water to the current volume, if the relevant receptacle is less than 75% full.

"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 on which vegetation of any kind, including trees, other than lawn, grows or is cultivated, for other than commercial purposes. (See "*Lawn area*").

"general playing surface" means any playing surface that is not a particular playing surface.

"general or particular playing surface" means a general playing surface or a particular playing surface.

"greywater" means waste water from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens (except from a clothes washing machine), dishwashing machines and toilets.

"hand-held hose" means a leak-free hose that:

- (a) is held by hand, when it is used; and
- (b) is fitted and used with a trigger nozzle; and
- (c) that has an internal diameter of:
 - (i) no more than 50mm, in the case of commercial and construction activities; or
 - (ii) no more than 25mm, in the case of any other activities.

"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.

"hose-connected water toy" means any toy that is operated by running water, supplied through a hose.

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

"mobile spa" means any spa that is capable of being moved for use in different locations.

"mobile water tanker permit" means a valid permit issued by South Gippsland Water for the filling or topping up of a water tanker with supplied drinking water from hydrants and fireplugs in accordance with the conditions of the permit.

"motor vehicle dealer, repairer or detailer" means a person that is a commercial operator that either sells, trades or repairs motor vehicles or is required to clean motor vehicles as part of its operation but excludes a commercial car wash.

"new" means not existing.

"Other Use" means any use or purpose for which water may be used outside a building, which is not a use or purpose expressly referred to in this document.

"particular playing surface" means:

- (a) any of the following at a sporting or recreational facility:
 - (i) a turf wicket for competition cricket;
 - (ii) a turf practice wicket for cricket but only if an alternative practice wicket that does not require watering (such as a synthetic wicket) is not available;
 - (iii) a lawn or other type of running track (whether for use by humans or animals);
 - (iv) a lawn, en tous cas, or other type of tennis court other than a concrete, bitumen or asphalt tennis court;
 - (v) a baseball or softball diamond, including the infield and any en tout cas running area;
 - (vi) a hockey or lacrosse pitch;
 - (vii) a green for lawn bowls or croquet or similar sport;
 - (viii) the penalty areas of a soccer pitch;
 - (ix) a golfing tee or green (but not fairways or approaches); or

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- (b) a soft-fall area at a child-care facility or public playground.

"permanent water saving rule" means a restriction or prohibition on the use of supplied drinking water contained in South Gippsland Water's Permanent Water Saving Plan, available at www.sgwater.com.au or from South Gippsland Water.

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

"pond or lake" includes any collection of water (indoors or outdoors) for ornamental or urban drainage retention purposes, but does not include a fountain or water feature or a tank that is used to house fish or other aquatic life.

"public garden area" means any:

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

"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 statutory body,

but does not include:

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

"public garden or lawn area" means any public garden area or any public lawn area.

"public pool or spa" means a swimming pool or spa (indoors or outdoors):

- (a) for public use, which is operated by, or on behalf of, a public statutory body; or

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- (b) for limited public use, which is operated by, or on behalf of, a school or educational facility; or
 - (c) for limited public use for the purposes of physical rehabilitation, which is operated by, or on behalf of, a public statutory body or a private enterprise.

"rainwater" means water collected directly from roof run-off.

"rainwater tank" means a tank or a number of connecting tanks designed to collect rainwater from roof catchments.

"reclaimed water" means water that is not drinking water or recycled water, but is recovered from sources such as stormwater.

"recycled water" means water derived from sewage or trade waste that has been treated for the purpose of re-use.

"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; or
- (b) commercial or industrial building; or
- (c) hospital or nursing home; or
- (d) sporting club; or
- (e) religious facility; or
- (f) day-care centre, kindergarten, school, university or other educational facility or research institute; or
- (g) any garden area on an adjacent nature strip in a road adjoining a premises referred to in paragraphs (a) to (f),

but does not include:

- (h) any commercial market garden; or
- (i) 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; or
- (b) commercial or industrial building; or

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- (c) hospital or nursing home; or
 - (d) sporting club; or
 - (e) religious facility; or
 - (f) day-care centre, kindergarten, school, university or other educational facility or research institute,
 - (g) lawn area on an adjacent nature strip in a road adjoining a premises referred to in paragraphs (a) to (f),
does not include any lawn area associated with:
 - (h) any commercial market garden; or
 - (i) any commercial or Council plant nursery.

"residential or commercial pool or spa" means a swimming pool or spa (indoors or outdoors), operated for private use or commercial purposes, or in conjunction with any commercial premises (including any hotel), other than a public pool or spa.

"restriction" includes prohibition.

"season" means summer, autumn, winter or spring.

"South Gippsland Water" means South Gippsland Region Water Corporation

"sporting or recreational facility" means a sporting or recreational facility that is:

- (a) for public, commercial or general community use; or
- (b) associated with a university, school or other educational institution,

but does not include any part of a sporting or recreational facility that is associated with a private club or similar private organisation.

"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.

"suitable alternative source of water" means an alternative source of water:

- (a) that is suitable for the purpose for which it is to be used; and
- (b) complies with the following requirements or guidelines for the use of that source of water:
 - (i) issued by the South Gippsland Water; or

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- (ii) applying under any other Act or law.

"supplied drinking water" means:

- (a) drinking water supplied by the works of South 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; or
- (b) a mix of rainwater collected by an occupier of land in a rainwater tank on that land and drinking water described in paragraph (a) that is added to the tank.

but does not include:

- (c) recycled or reclaimed water; or
- (d) greywater; or
- (e) stormwater; or
- (f) rainwater collected by an occupier of land in a rainwater tank on that land that is not mixed with drinking water described in paragraph (a).

"top up" means adding any water to the current volume, if the relevant receptacle is at least 75% full.

"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.

"vehicle" includes a car, van, truck, boat, tram or train, aircraft and any other vehicle, however it is propelled or moved.

"vehicle for mass transportation" means a bus, tram, train, aircraft, ferry or other vehicle however it is propelled or moved, that transports people en masse, but does not include:

- (a) a taxi (whether a car or van); or
- (b) a car; or
- (c) a bus or van used for private purposes.

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

"water corporation" means a water corporation as defined in the Act.

"Water Use Plan" means a document, in writing or by plans, prepared to the satisfaction of South Gippsland Water which governs the use of supplied drinking 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; or
- (b) an automatic watering system, operated manually, rather than automatically; or
- (c) a manual watering system.

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