

South Australia

# **Water Industry (Longer-term Water Conservation Measures) Variation Regulations 2017**

under the *Water Industry Act 2012*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Water Industry (Longer-term Water Conservation Measures) Variation Regulations 2017*.

### **2—Commencement**

These regulations will come into operation on 1 January 2018.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Water Industry Regulations 2012***

### **4—Substitution of Part 6**

Part 6—delete the Part and substitute:

### **Part 6—Water conservation—longer-term measures**

#### **24—Water conservation—longer-term measures**

- (1) Subject to this regulation, a person must not use water in contravention of Schedule 4.
- (2) Subregulation (1) does not apply to a person who uses the water under the authority of a permit issued by SA Water in accordance with these regulations.
- (3) Nothing in this regulation derogates from a requirement imposed under section 59(3) of the Act.
- (4) For the purposes of section 92(3) of the Act, it is declared that the water conservation measures prescribed under this Part and Schedule 4 are made for the purposes of taking action to provide for the better conservation, use or management of water (longer-term measures).
- (5) This regulation expires on 1 January 2023.

#### **25—SA Water may issue permits**

- (1) Where, pursuant to regulation 24, a specified use of water is prohibited except under the authority of a permit issued by SA Water, SA Water may, on payment of such fee as may be fixed by SA Water, issue such a permit to a person in accordance with this Division.
- (2) A permit issued under subregulation (1) may authorise the person to whom the permit is issued to engage in the specified use of water at multiple sites.

## **26—Circumstances in which permit may be issued**

SA Water may only issue a permit if SA Water is satisfied that—

- (a) good reason exists for allowing the use of water to occur in accordance with the permit; and
- (b) the use of water under the permit (and all other permits issued in accordance with this Division) will not significantly reduce the effectiveness of the measures or restrictions then in force in providing for the conservation or efficient use or management of water.

## **27—Form and content of permit**

A permit must be in writing in a form determined by SA Water and must specify—

- (a) the name and address of the holder of the permit; and
- (b) the measure or restriction to which the permit relates; and
- (c) the water use to which the permit relates; and
- (d) other than in the case of a permit that authorises the use of water at multiple sites—the land to which the permit relates; and
- (e) the period for which the permit applies.

## **28—Conditions of permit**

A permit is subject to such conditions as are determined by SA Water and specified in the permit or subsequently notified to the holder of the permit in accordance with this Division.

## **29—Breach of permit conditions**

Where the holder of a permit, or a person acting in the employment or with the authority of the holder of the permit, contravenes or fails to comply with a condition of the permit, the holder of the permit is guilty of an offence.

## **30—Revocation, variation etc of permit or condition**

SA Water may, by written notice to the holder of a permit, revoke, suspend or vary a permit, or a condition of a permit, or add a new condition to a permit, if SA Water is satisfied that—

- (a) it is necessary or expedient to do so for the conservation or efficient use or management of water; or
- (b) the holder of the permit has contravened or failed to comply with a provision of the Act or these regulations or a condition of the permit.

### **31—Application of permit relating to regulation 24**

A permit issued in accordance with this Division in relation to a measure imposed by regulation 24 applies subject to any requirement imposed under section 59(3) of the Act (and any permit issued by the relevant water industry entity under section 59(4) in relation to such a requirement).

### **32—Permit not transferable**

A permit issued in accordance with this Division is not transferable.

## **5—Substitution of Schedule 4**

Schedule 4—delete Schedule 4 and substitute:

### **Schedule 4—Water conservation—longer-term measures**

#### **Part 1—Preliminary**

##### **1—Application of Schedule**

This Schedule applies to water supplied by SA Water under the Act.

##### **2—Interpretation**

In this Schedule, unless the contrary intention appears—

*drip irrigation system* means an irrigation system (including a micro-spray system that delivers water through water-misting spray heads) that delivers water to plants in drops or other small quantities at a flow rate of not more than 0.5 L of water per minute per outlet by means of underground or surface pipes or tubes;

*external* means an area outside a building (whether or not the area is sheltered by a roof);

*external area* includes a driveway, path, verandah or entertaining area;

*high pressure low volume water cleaner* means a device, fitted with a trigger nozzle, that forces water, by means of a pump, at high pressure through the trigger nozzle at a flow rate of less than 9 L per minute;

*new swimming pool* means a swimming pool in relation to which the contract to install the pool is entered into on or after 1 December 2010;

*private garden* means a garden (including lawns) on premises used primarily for residential or business purposes;

*retail garden centre* means premises used for the sale of plants by retail (including where the premises are also used for the sale of other goods);

*trigger nozzle* means a device that automatically shuts off the flow of water through a hose or other item to which it is attached (or of which it forms a part) unless pressure is maintained by hand on a trigger or other mechanism forming part of the device.

## **Part 2—Water conservation measures**

### **3—Cleaning motor vehicles, boats**

- (1) Subject to subclause (2), a person must not use water to clean a motor vehicle or a boat unless the water is applied—
  - (a) from a bucket or watering can; or
  - (b) by a high pressure low volume water cleaner; or
  - (c) from a hand-held hose that is fitted with a trigger nozzle.
- (2) Subclause (1) does not apply to—
  - (a) the cleaning of a motor vehicle or a boat at a commercial car wash or by means of an automatic washing system that recycles water; or
  - (b) the flushing or rinsing of the motor of a boat after use.

### **4—Watering gardens, grounds, retail garden centres etc**

- (1) Subject to subclause (2), a person must not use water to water any external portion of a—
  - (a) public or private garden (including lawns), or retail garden centre; or
  - (b) recreational area, sports ground or other public open space of an area less than or equal to 0.5 hectares,unless the water is applied—
  - (c) by hand (through a hand-held hose that is fitted with a trigger nozzle or from a bucket or watering can); or
  - (d) through a drip irrigation system; or
  - (e) where the watering takes place after 5 p.m. and before 10 a.m.—through a sprinkler system.
- (2) Subclause (1) does not apply to the application of water through a sprinkler system at a retail garden centre between 1 p.m. and 2 p.m. on a day on which the maximum temperature for the locality where the retail garden centre is situated is, according to a forecast issued by the Bureau of Meteorology and applying at 5 a.m. on that day, expected to exceed 30° Celsius.
- (3) A person must not use water to water any external portion of a recreational area, sports ground or other public open space of an area greater than 0.5 hectares.

## **5—Hosing down external area**

- (1) Subject to subclause (2), a person must not use water to hose down an external area covered by paving, concrete, bitumen or other similar material unless—
  - (a) it is necessary to do so—
    - (i) to protect public health; or
    - (ii) to ensure the safety of persons using the area; or
    - (iii) to ensure the health and welfare of animals using the area; and
  - (b) the water is applied—
    - (i) by a high pressure low volume water cleaner; or
    - (ii) from a hand-held hose that is fitted with a trigger nozzle.
- (2) Subclause (1) does not apply to the use of water on an external area if the water is used to deal with a fire, accident or other emergency.
- (3) For the avoidance of doubt, nothing in subclause (1) prevents a person from using water to hose down an external wall or window if the water is applied in accordance with the requirements of subclause (1)(b).

## **6—Construction sites**

A person must not use water to control dust or other pollutants resulting from building works, or for the purpose of compacting soil or other material in the conduct of building works, unless the water is applied—

- (a) from a hand-held hose fitted with a trigger nozzle; or
- (b) directly from a motor vehicle designed to carry and deposit water.

## **7—Swimming pools**

A person must not use water to fill for the first time a new swimming pool in any circumstances except under the authority of a permit issued under Part 6.

## **Part 3—Areas to which measures apply**

### **8—Areas to which measures apply**

The measures specified in this Schedule apply throughout the State.

## **Part 4—Expiry of Schedule**

### **9—Expiry of Schedule**

This Schedule expires on 1 January 2023.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 19 December 2017

No 337 of 2017

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