

Australian Capital Territory

Utilities Water Conservation Measures Approval 2010

Disallowable Instrument DI 2010– 279

Made under the

Utilities Act 2000, s149B: Regulation making power to introduce measures regulating the use of an essential service - Utilities (Water Conservation) Regulation 2006: Part 2, s 5: Approved water conservation measures.

1. Approval of Scheme

I approve the attached water conservation measures developed by ACTEW Corporation.

2. Revocation

DI 2006-59 notified on the legislation register on 30 March 2006 is revoked.

Simon Corbell MLA
Minister for the Environment, Climate Change and Water

27 October 2010

WATER CONSERVATION MEASURES

This Scheme of Water Conservation Measures is approved under the ***Utilities (Water Conservation) Regulation 2006***.

The limitations on the use of water set out below apply at all times when temporary water restrictions are not in force under the ***Utilities (Water Conservation) Regulation 2006***.

This Scheme only applies to water drawn from ACTEW Corporation Limited's potable water supply system, unless the contrary intention appears.

ACTEW may, whether on application or of its own initiative, grant exemptions or partial exemptions to specified customers, to a specified class of customers, or to all customers. Such exemptions may be expressed to operate for the whole period during which this Scheme is in force or only for a specified period. Exemptions are subject to any conditions expressed in them. Where exemptions are granted, ACTEW shall publish notice of that grant in a daily newspaper circulating in the ACT or otherwise directly notify affected customers or members of a class of affected customers.

Where customers can demonstrate serious detriment from application of this Scheme, application can be made for an exemption or partial exemption. Applications for exemption or partial exemption must be made in writing and submitted to ACTEW, provided that ACTEW may agree to accept particular classes of applications by telephone (for example, where medical reasons limit a person's capacity to make written application). Applications should include a statement of the reasons why an exemption or partial exemption is sought and set out, in particular, what serious detriment is claimed will be incurred if the application is not granted. Without limiting the grounds on which ACTEW might grant an exemption or partial exemption, applications may be granted where there is a compelling health or public hygiene reason or where compliance with this Scheme would be likely to cause disproportionate or unintended financial damage to the applicant. Exemptions or partial exemptions will only be validly granted when an ACTEW exemption number is issued. Exemption numbers, together with any conditions to which the exemption is subject, may be advised either in writing or orally.

At any time, the ACT Government retains the discretion to declare a State of Emergency under the *Emergencies Act 2004* under which supply and/or use of water may be restricted to Emergency Use Only.

| <u>Measure</u> | <u>Limitation on Use</u> |
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| <p>1. Private gardens and lawns not elsewhere included</p> | <p>A hand-held hose fitted with a trigger nozzle, a bucket or a watering can may be used to water lawns and plants at any time.</p> <p>Sprinklers and other irrigation systems may only be used to water lawns and plants before 9am and after 6pm on any day from 1 September to 31 May (inclusive).</p> <p>At all times lawns and plants may only be watered without causing pooling or runoff.</p> |
| <p>2. Public sports amenities, public parks and gardens, public open spaces</p> | <p>A hand-held hose fitted with a trigger nozzle, a bucket or a watering can may be used to water lawns and plants at any time.</p> <p><u>For facilities existing at the time water conservation measures come into force:</u></p> <p>Lawns and plants must not be watered using sprinklers or other irrigation systems between 9am and 6pm.</p> <p>Sprinklers or other irrigation systems must not be used at other times, unless:</p> <p>(a) a representative of the occupier of the premises</p> |

| <u>Measure</u> | <u>Limitation on Use</u> |
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| | <p>completes and lodges with ACTEW an exemption application and a water efficiency management plan within 30 days of water conservation measures coming into force; and</p> <p>(b) ACTEW has not rejected the exemption application or water efficiency management plan; and</p> <p>(c) if the exemption application and water efficiency management plan are approved by ACTEW, the occupier complies with the terms of the exemption and approved water efficiency management plan.</p> <p><u>For facilities established after water conservation measures come into force, or where an existing facility lodges an exemption application and water efficiency management plan more than 30 days after water conservation measures come into force:</u></p> <p>Lawns and plants must not be watered using sprinklers or other irrigation systems without written exemption.</p> <p>An exemption will only be granted, permitting lawns and plants to be watered before 9am and after 6pm on any day using sprinklers or other irrigation systems, provided that:</p> <p>(a) a representative of the occupier of the premises has completed and lodged a water efficiency management plan with ACTEW;</p> <p>(b) ACTEW has approved the water efficiency management plan; and</p> <p>(c) the occupier complies with the terms of the exemption and approved water efficiency management plan.</p> <p>At all times lawns and plants may only be watered without causing pooling or runoff.</p> |
| <p>3. Commercial nursery, commercial market garden and commercial turf-growing businesses</p> | <p>Wherever practicable non-potable water should be used.</p> <p>Plants, turf or seed may be watered at any time using a hand-held hose fitted with a trigger nozzle, a bucket or a watering can.</p> <p><u>For businesses existing at the time water conservation measures come into force:</u></p> <p>Plants, turf or seed must not be watered using sprinklers or other irrigations systems between 11am and 4pm.</p> <p>Plants, turf or seed must not be watered using sprinklers or other irrigation systems at other times, unless:</p> <p>(a) a representative of the occupier of the premises completes and lodges with ACTEW an exemption application and a water efficiency management plan within 30 days of water conservation measures coming into force; and</p> <p>(b) ACTEW has not rejected the exemption application or water efficiency management plan; and</p> <p>(c) if the exemption application and water efficiency plan are approved by ACTEW, the occupier complies with the terms of the exemption and approved water</p> |

| <u>Measure</u> | <u>Limitation on Use</u> |
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| | <p>efficiency management plan.</p> <p><u>For businesses established after water conservation measures come into force, or where an existing business lodges an exemption application and water efficiency management plan more than 30 days after water conservation measures come into force:</u></p> <p>Plants must not be watered using sprinklers or other irrigations systems without written exemption.</p> <p>An exemption will be granted, permitting plants to be watered before 11am and after 4pm on any day, provided that:</p> <ul style="list-style-type: none"> (a) a representative of the occupier of the premises has completed and lodged a water efficiency management plan with ACTEW; (b) ACTEW has approved the water efficiency management plan; and (c) if the water efficiency plan is approved by ACTEW, the occupier complies with the terms of the exemption and approved water efficiency management plan. <p>At all times plants, turf or seed may only be watered without causing pooling or runoff.</p> |
| 4. Vehicles | <p>If not washed at a commercial vehicle wash, a business that services, details or repairs vehicles or a vehicle dealership, any vehicle should be washed on a lawn or other porous surface wherever practicable and then may only be washed by using:</p> <ul style="list-style-type: none"> (i) a bucket or watering can; (ii) a high-pressure low-volume cleaner; or (iii) a hand-held hose fitted with a trigger nozzle. <p>A commercial vehicle wash, a business that services, details or repairs vehicles or a vehicle dealership may wash vehicles provided that:</p> <ul style="list-style-type: none"> (a) the occupier complies with the “ACTEW requirements for commercial vehicle washing” at Appendix 1; and (b) if a commercial fixed vehicle wash or a commercial fixed vehicle detailing business, the operator uses its best endeavours to comply with the applicable best practice water usage targets. <p>Boat motors may be flushed or rinsed after use.</p> |
| 5. Paved areas | <p>A bucket and mop or a high-pressure low-volume cleaner may be used to clean paved areas at any time.</p> <p>Otherwise, water must not be used to clean paved areas unless cleaning is necessary as a result of accident, fire, health hazard or other emergency. In these circumstances the most water-efficient method of cleaning reasonably available should be adopted.</p> <p><i>Note:</i> All applicable laws must be complied with when discharging substances into the stormwater system.</p> |
| 6. Windows, buildings and building gutters | <p>Building gutters may be cleaned at any time by any means.</p> <p>Windows and other external parts of buildings may be washed at any time, but only by using a bucket and mop/brush, squeegee or</p> |

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| | <p>a high-pressure low-volume cleaner.</p> <p>Otherwise, water must not be used to wash building exteriors unless cleaning is necessary as a result of accident, fire, health hazard or other emergency. In these circumstances the most water-efficient method of cleaning reasonably available should be adopted.</p> <p><i>Note:</i> All applicable laws must be complied with when discharging substances into the stormwater system.</p> |
| <p>7. Private ponds and fountains</p> | <p>Private ponds and fountains may only be filled or topped up using a bucket, a watering can or a handheld hose fitted with a trigger</p> <p>There is no restriction on the operation of fountains that recirculate water from the pond or reservoir in which they are installed. Other fountains may not be operated.</p> |
| <p>8. Public ponds and fountains</p> | <p>Ponds may only be filled or topped up if:</p> <ul style="list-style-type: none"> (a) a representative of the occupier of the premises where the pond or fountain is located has lodged an exemption application with ACTEW; (b) ACTEW has granted the exemption; and (c) water is used in accordance with the exemption. <p>There is no restriction on the operation of fountains that recirculate water from the pond or reservoir in which they are installed. Other fountains may not be operated.</p> |
| <p>9. Private swimming pools and spas</p> | <p><u>Emptying and refilling existing pools, and filling new pools and spas</u></p> <p>Pools and spas with a capacity of 3,000 litres or more must not be either emptied, refilled, or filled for the first time, unless:</p> <ul style="list-style-type: none"> (a) the occupier of the premises has lodged a water offset plan with ACTEW; (b) ACTEW has approved the water offset plan; (c) the occupier of the premises complies with the approved water offset plan; and (d) the pool or spa is fitted with a cover (that covers at least 80 percent of the surface area of the water) when the pool or spa is not in use. <p>Pools and spas with a capacity less than 3,000 litres may only be refilled, or filled for the first time, using a hand-held hose fitted with a trigger nozzle, a bucket or a watering can.</p> <p><u>Topping up pools and spas</u></p> <p>Pools and spas with a capacity of 3,000 litres or more may only be topped up using a bucket, a watering can or a handheld hose fitted with a trigger nozzle and only if:</p> <ul style="list-style-type: none"> (a) the owner or occupier of the premises has registered with ACTEW; (b) the topping up is done before 9am or after 6pm on any day; and (c) the pool or spa is fitted with a cover (that covers at |

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| | <p>least 80 percent of the surface area of the water) when the pool or spa is not in use.</p> <p>Pools and spas with a capacity less than 3,000 litres may only be topped up using a hand-held hose fitted with a trigger nozzle, a bucket or watering can.</p> |
| 10. Public swimming pools and spas | <p>Public swimming pools and spas may not be filled or topped up unless:</p> <ul style="list-style-type: none"> (a) a representative of the occupier of the premises where the pool or spa is located has lodged a water efficiency management plan with ACTEW; (b) ACTEW has approved the water efficiency management plan; and (c) the occupier complies with the approved water efficiency management plan. |
| 11. Water storage tanks, dams and lakes | <p>Unless the property at which a water storage facility is located is not connected to ACTEW Corporation Limited's potable water supply system, a water storage tank, dam or lake may only be filled or topped up if:</p> <ul style="list-style-type: none"> (a) the owner or occupier of the premises has lodged an exemption application with ACTEW; (b) ACTEW has granted the exemption; and (c) water is used in accordance with the exemption. |
| 12. Construction and related activities | <p>Wherever practicable non-potable water should be used.</p> <p>In greenfields sites, water can be used for dust or pollutant suppression or earth compaction only:</p> <ul style="list-style-type: none"> (a) by means of a hose fitted with a flow cut-off device or a vehicle fitted with sprinklers; and (b) if the occupier of the premises has lodged an exemption application with ACTEW; and (c) if ACTEW has granted the exemption; and (d) if water is used in accordance with the exemption. <p>In all other cases, water may be used for building and construction activities only where alternative water sources are not reasonably available or suitable (provided that water may not be used at any time to generate an exposed aggregate finish). Unless impractical, such water may only be used by means of a hose fitted with a flow cut-off device.</p> |

Notes:

1. **“Best practice water usage targets”**, in relation to commercial fixed vehicle wash and commercial fixed vehicle detailing businesses, means the following volumes of water:
 - a. for automatic vehicle washes - 140 litre per vehicle;
 - b. for semi-automated, staffed vehicle washes - 140 litres per vehicle; and
 - c. for vehicles washed as part of detailing - 105 litres per vehicle.
2. **“Commercial vehicle wash”** means a commercial mobile vehicle wash business, a commercial mobile vehicle detailing business, a commercial fixed self-service vehicle wash business, a commercial fixed vehicle business or a commercial fixed vehicle detailing business.
3. **“Commercial Market Gardens”** means a business conducted on any land primarily used to propagate and/or grow plants of any description for the purpose of the sale or other distribution for profit of or the produce of those plants.
4. **“Commercial Nurseries”** and means a business conducted on any land primarily used to propagate, grow or display plants of any description for the purpose of the sale or other distribution for profit of those plants.
5. **“Commercial Turf Growing Business”** means a business conducted for the purpose of the propagation, growth and harvesting of lawn turf for sale
6. **“Drinking Water Quality Code of Practice”** means the *Public Health (Drinking Water) Code of Practice 2007 (No. 1)*, as amended or replaced from time to time.
7. **“Greenfields sites”** means any commercial or residential land development where new roadworks or significant civil engineering works are being undertaken.
8. **“High-pressure low-volume cleaner”** means a machine which has a pump to increase the pressure and reduce the flow of water delivered from a trigger nozzle.
9. **“Pooling or runoff”** means water that either puddles on, or runs off, the surface of the soil when it is saturated.
10. **“Paved Area”** means an outside area with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface (whether or not it is covered by a roof, pergola or other structure), such as a courtyard, decking, footpath, driveway or street.
11. **“Private”** means residential, business and non-Government premises.
12. **“Public”** means government places and private places operated for public use. A place is operated for public use if it is a place to which the public ordinarily has access, whether by right or invitation.
13. **“Registered with ACTEW”** means the relevant form available from ACTEW’s website at <http://www.actew.com.au> has been fully and accurately completed and lodged with ACTEW.
14. **“Representative of the occupier”** means the person who has, or is proposed to have, overall responsibility for the water efficiency management plan and its implementation in relation to a premises. The person must have the authority to liaise with ACTEW and make decisions in relation to water use and management at the premises.
15. **“Sports amenities”** include sports ovals and pitches, running tracks, golf courses, tennis courts and other similar facilities.
16. **“Spa”** means an outdoor spa.
17. **“Sprinkler”** and **“Irrigation System”** means a device or system designed to distribute water, whether by sprinkling, spraying, dripping, weeping or otherwise.
18. **“Trigger-nozzle”** means a nozzle, attached to a hand-held hose, which is controlled by (a) a trigger which must be depressed continuously or locked open by hand for water to flow; or (b) a discrete switch or button which can be turned on or off by hand with a single or limited movement.
19. **“Water drawn from ACTEW Corporation Limited’s potable water supply system”** means water within the health and aesthetic values supplied in accordance with the Drinking Water Quality Code of Practice made under the *Public Health Act 1997* and water supplied by ACTEW for use within Uriarra village.
20. **“Water efficiency management plan”** means a document which sets out:

- a. the name, address and contacts details of the customer;
- b. the name and contact details of the representative of the occupier;
- c. details of the business, activities or operations conducted by the customer at the premises to which the plan relates;
- d. the period of time during which the plan will remain in force, being a period of time not greater than five years or until the occupier of the premises to which the plan applies changes (whichever occurs first);
- e. at a minimum, the following:
 - 1) the results of an assessment of the water from all sources used by the customer in the 12 months immediately before the plan is submitted to ACTEW;
 - 2) an assessment of inefficiencies in water usage and potential water savings;
 - 3) a plan, including specific actions and timeframes, to address those inefficiencies and achieve those potential water savings;
 - 4) the system that will be used to monitor and audit improvements in water efficiency achieved;
- f. reporting requirements, which must include at a minimum annual reporting to ACTEW that covers:
 - 1) water use for the preceding 12 months, and a comparison to the 12 month period preceding that;
 - 2) details of any changes in the business, activities or operations conducted by the customer that effected water usage at the premises;
 - 3) whether the plan to address inefficiencies and achieve potential water savings has been achieved and, if not, the reasons why it has not been achieved; and
- g. the time each year that ACTEW authorised persons may, if ACTEW wishes, visit the premises of the customer and conduct an audit of water use and compliance with the plan.

21. **“Water offset plan”** means a document that demonstrates to ACTEW’s reasonable satisfaction that:

- a. for a pool or spa with a capacity of 3000 - 12000 litres, at least three;
- b. for a pool or spa with a capacity of 12001 - 40000 litres, at least four; or
- c. for a pool or spa with a capacity of 40001 litres or more, at least five,

of the following criteria have been met at the premises where the swimming pool or spa is located:

- at least one rainwater tank with a capacity of 1000 litres or more has been installed to collect water that would otherwise be lost to the premises*; and/or
- mulch is used on all garden beds*; and/or
- drip irrigation systems are installed on more than 50 percent of the garden beds*; and/or
- the pool/spa uses a cartridge filtration system instead of a sand filter*; or
- the pool/spa filter uses a water efficient medium (such as recycled glass or Zeolite) that achieves a 20 percent or greater reduction in water use by comparison with traditional sand-based filters*; and/or
- dual-flush toilets are installed in each water closet+; and/or
- three-star or better water efficient showerheads are installed in each shower cubicle+; and/or
- a four-star or better water efficient washing machine is installed+.

* requires an ACTEW authorised person to conduct a site visit to verify compliance

+ requires confirmation from a licensed plumber by completion of a form available from ACTEW’s website at <http://www.actew.com.au>

ACTEW requirements for commercial vehicle washing

- a. for *commercial mobile vehicle washing* and *commercial mobile vehicle detailing* businesses:
- i. where practicable, wash or detail vehicles on a grassed area. Alternatively, where practicable use a portable vehicle wash mat, or bunding, and dispose of waste water on a lawn or garden area. Disposal of runoff and waste water must be in accordance with applicable laws;
 - ii. high-pressure low-volume cleaners must have a flow rate of 10 litres per minute or less;
 - iii. vehicle wash and detailing equipment must be regularly maintained to ensure it uses water as efficiently as possible;
 - iv. taps used as part of washing operations must not be left running when not being used;
 - v. all hoses must be fitted with a flow cut-off device such as a trigger nozzle;
 - vi. staff must be educated about the need to conserve potable water by displaying water conservation signs, which are to be obtained from ACTEW, in or on any vehicles used by staff when conducting mobile vehicle washing and/or mobile vehicle detailing; and
 - vii. where available and practical, non-potable water or water from a supply system other than ACTEW's should be used as part of mobile vehicle washing and mobile vehicle detailing operations.
- b. for *commercial fixed self-service vehicle washing* businesses:
- i. water used to wash vehicles must be recycled;
 - ii. vehicle wash equipment must be regularly maintained to ensure it uses water as efficiently as possible;
 - iii. customers must be educated about the need to conserve potable water by displaying water conservation signs, which are to be obtained from ACTEW, in all self-service bays;
 - iv. where available and practical, non-potable water or water from a supply system other than ACTEW's should be used as part of commercial fixed self-service vehicle washing operations; and
 - v. waste water must be disposed of in accordance with applicable laws.
- c. for *commercial fixed non-self-service vehicle washing* and *commercial fixed vehicle detailing* businesses:
- i. water used to wash or detail vehicles must be recycled;
 - ii. vehicle wash and detailing equipment must be regularly maintained to ensure it uses water as efficiently as possible;
 - iii. staff and customers must be educated about the need to conserve potable water by prominently displaying water conservation signs, which are to be obtained from ACTEW;
 - iv. vehicle bays must be swept prior to cleaning them with water, to help minimise water usage;
 - v. where available and practical, non-potable water or water from a supply system other than ACTEW's should be used as part of commercial fixed vehicle washing and commercial fixed vehicle detailing operations; and
 - vi. waste water must be disposed of in accordance with applicable laws.
- d. for *businesses that service or repair vehicles and vehicle dealerships*:
- i. vehicle wash and detailing equipment must be regularly maintained to ensure it uses water as efficiently as possible;
 - ii. taps used as part of washing operations must not be left running when not being used;
 - iii. all hoses must be fitted with a flow cut-off device such as a trigger nozzle;
 - iv. staff must be educated about the need to conserve potable water by prominently displaying water conservation signs, which are to be obtained from ACTEW;
 - v. where available and practical, non-potable water or water from a supply system other than ACTEW's should be used as part of commercial fixed vehicle washing and commercial fixed vehicle detailing operations; and
 - vi. waste water must be disposed of in accordance with applicable laws.