

WA101**CORRECTION***BUSSELTON WATER BOARD**

In a publication dated Thursday the 20th March 2008 an incorrect set of By-law amendments were published. The following replaces those amendments in their entirety.

WATER BOARDS ACT 1904**BUSSELTON WATER BOARD****Busselton Water Area By-Laws**

Under the powers conferred by the *Water Boards Act 1904* and under all of the powers, the Busselton Water Board resolved on 18th February 2008 to amend the Busselton Water Area By-laws.

In this by-law, the Busselton Water Area By-laws as published in the *Government Gazette* on 23 September 1994 and amended on 14 October 1997 is referred to as the principal by-law. The principal by-law is amended as follows—

1 Heading amended

At the commencement, the title “Division 1” is deleted and “Part 1” is inserted.

2 Heading and new by-law 1A inserted

After the heading “Part 1” add the following—

“1A. Terms Used in These By-laws

“**approval**” means the Board has given its approval;

“**non-residential lot**” does not include a lot that has on it a building that is used, or suitable to be used, for residential purposes, or a lot depicted on a strata plan unless it is a lot in a survey-strata scheme;

“**water**” means water supplied by the Board.”

3 Heading amended

After by-law 8 the title “Division II” is deleted and “Part 2” is inserted.

4 By-law 18 amended

4.1 By-law 18 is amended by inserting “(1)” at the commencement of the paragraph.

4.2 After sub-by-law 18(1) add the following—

“ (2) Notwithstanding sub-by-law (1), the scope of restrictions set out in sub-by-law (3) shall generally apply.

(3) A person must not, without the written approval of the Board, use water in contravention of any of the following clauses—

(a) A person does not breach these restrictions if—

(i) the person uses water to water a market garden or plant nursery to the minimum extent necessary to ensure the viable operation of the market garden or plant nursery; and

(ii) the market garden or plant nursery is not supplied with water other than by Busselton Water.

(b) A person must not water a lawn or garden except by—

(i) reticulation during either, but not both, the morning period or the evening period on one of both of 2 days of the week specified in Schedule 1 in relation to the relevant property where morning period means the period before 9.00 a.m. and evening period means the period after 6.00 p.m.; or

(ii) a hand held hose with one outlet; or

(iii) a hand held watering can.

(c) A person must not spray a building, paved area or road except—

(i) to the minimum extent necessary for fire fighting; or

(ii) with—

(I) a high pressure water cleaner which uses pressurized water flowing at a rate of not more than 6L per minute; or

(II) a hand held hose with one outlet;

to the minimum extent necessary for the cleaning of the building, path, paved area or road so as to avoid a threat to public health or safety; or

(iii) with a hand held hose with one outlet to the minimum extent necessary for purposes related to the construction, demolition or repair of the building, path, paved area or road.

(d) A person must not fill a swimming pool except to the minimum extent necessary for the proper functioning of the pool.”

5 Headings amended and new by-laws 27A-27L added

5.1 After by-law 27 the following titles are deleted—

“**Division III**

Rates and Charges”,

and the following titles inserted—

“**Part 3**

Water Efficiency Management Plans

Division 1—General”

5.2 Add by-laws 27A-27L—

“ 27A Meaning of “Water Efficiency Management Plan”

(1) In this Part—

“**water efficiency management plan**”, in relation to a non-residential lot, means a plan for ensuring that water supplied to the lot is used as efficiently as practicable, prepared in accordance with sub-bylaw (2).

(2) A water efficiency management plan must be in an approved form and must contain—

- (a) The full name and address of each owner and occupier of the lot; and
- (b) A description of the nature of any business or other work being conducted on the lot; and
- (c) Details of the measures comprising the plan, including proposed timeframes for implementing each of those measures; and
- (d) The estimated savings in water use under the plan; and
- (e) The substance of the most recent report under by-law 27K (if any) prepared in relation to the lot; and
- (f) Such other information as the Board reasonably requires, as specified in any notice under by-law 27C(2), 27D(2), or 27J(1).

27B Extensions of Time

(1) Where under this Part—

- (a) It is an offence for a person to fail to do something within a specified period; and
- (b) In a particular case it is not practicable for the person to do the thing within that period, the person may, before the end of the period, make a written application to the Board to extend that period.

(2) The Board may, on an application under sub-bylaw (1) extend the period.

(3) The person does not commit the offence if the person does the thing within the extended period.

27C Initial Preparation and Submission of Water Efficiency Management Plans

(1) This by-law applies to an owner or occupier of a non-residential lot in a particular consumption year unless—

- (a) the lot was supplied with less than 20 ML of water in the consumption year immediately before that year; or
- (b) the owner or occupier has submitted to the Board a water efficiency management plan, the approval of which
 - (i) is being considered under by-law 27D;
 - (ii) has been given and remains in force under by-law 27G.

(2) The Board may, by notice in writing, require the owner or occupier to prepare and submit for approval to the Board a water efficiency management plan.

(3) A person who is served with a notice under sub-bylaw (2) must prepare the water efficiency management plan and submit it for approval to the Board within 90 days after the notice is served on the person.

Penalty: a fine of \$2,000

27D Approvals, Requests for Further Information and Requests for Amendments

(1) This by-law applies when the Board receives from a person—

- (a) a water efficiency management plan prepared and submitted under sub-bylaw (4) or by-law 27C(3), 27E, 27I or 27J(3); or
- (b) further information provided under sub-bylaw (3).

(2) The Board must, by notice in writing served on the person within 60 days after the plan is received by the Board—

- (a) approve the plan in the form most recently submitted; or
- (b) request further information from the person relating to the plan, including the person's comments on any specific amendments to the plan the Board considers might be necessary; or
- (c) request an amended water efficiency management plan in accordance with any instructions specified in the notice; or

- (d) if, while the Board is considering the plan, a subsequent revised water efficiency management plan is submitted to the Board under by-law 27E, do anything referred to in paragraph (a), (b) or (c) in relation to the revised plan.
- (3) A person who is served with a notice under sub-by-law (2)(b) must provide the further information within 30 days after the notice is served on the person.
Penalty: a fine of \$2,000
- (4) A person who is served with a notice under sub-by-law (2)(c) must prepare the amended water efficiency management plan and submit it for approval to the Board within 60 days after the notice is served on the person.
Penalty: a fine of \$2,000

27E Persons may Submit Revised Plans for Approval at any Time

A person who has submitted a water efficiency management plan for approval to the Board under this Part may, at any time after that submission (whether or not the plan has been approved), prepare a revised water efficiency management plan and submit it for approval to the Board.

Division 2—After Approval of Water Efficiency Management Plans

27F Application

This Division applies where a person has submitted a water efficiency management plan under by-law 27C(3), 27D(4), 27E, 27I or 27J(3) and the plan has been approved.

27G Period of Approval of Water Efficiency Management Plan

The approval remains in force on and from the day the approval was given until—

- (a) the person ceases to be an owner or occupier of the lot; or
- (b) the approval is revoked under by-law 27L; or
- (c) a revised water efficiency management plan is submitted by the person under by-law 27E, 27I or 27J(3); or
- (d) a period of 5 years expires,

Whichever occurs first.

27H Compliance with Water Efficiency Management Plans

(1) The person must comply with the water efficiency management plan during the period that the approval remains in force under by-law 27G.

Penalty: a fine of \$2,000.

(2) If the Board reasonably suspects that the person has not complied, or is not complying, with the plan during the period that the approval remains in force under by-law 27G, the Board may, by notice in writing, require the person to provide a written report on the person's implementation of the plan.

(3) A person who is served with a notice under sub-by-law (2) must prepare the report in an approved form and submit it to the Board within 30 days after the notice is served on the person.

Penalty: a fine of \$2,000.

27I Persons to Submit Revised Water Efficiency Management Plans Before end of Approval Period

(1) Except as provided in sub-by-law (2), the person must, at least 90 days before the end of the period that the approval remains in force under by-law 27G, prepare and submit for approval to the Board a revised water efficiency management plan.

Penalty: a fine of \$2,000.

(2) Sub-by-law (1) does not apply to the person if—

- (a) the lot was supplied with less than 20 ML of water in the consumption year immediately before the consumption year in which the approval is due to expire; and
- (b) the person has submitted to the Board a written notice in an approved form—
 - (i) confirming the circumstances in paragraph (a); and
 - (ii) stating that the person does not intend to use 20 ML or more of water in the consumption year in which the approval is due to expire.

27J Board may Require Revised Water Efficiency Management Plans

(1) In addition to by-law 27I, the Board may, by notice in writing at any time during the period that the approval remains in force under by-law 27G require the person to prepare and submit for approval to the Board a revised water efficiency management plan if—

- (a) There has been a significant change in—
 - (i) the use of water supplied to the lot; or
 - (ii) the quantity of water available for supply to the lot, since the approval was given; or
- (b) otherwise where the Board thinks it is necessary on the basis of a report under by-law 27K.

(2) The notice may specify measures to be included in the revised plan, including timeframes for implementing each of those measures.

(3) A person who is served with a notice under sub-bylaw (1) must prepare the revised plan and submit it for approval to the Board within 60 days after the notice is served on the person.

Penalty: a fine of \$2,000.

27K Annual Reports on Water Efficiency Management Plans

(1) During the period that the approval remains in force under by-law 27G the person must, within 30 days after each anniversary of the approval, prepare and submit to the Board a report on the efficacy of the water efficiency management plan.

Penalty: a fine of \$2,000

(2) The report must be in an approved form and must—

- (a) compare the use of water supplied to the property during the period to which the report relates against the estimated savings in water use under the plan for that period; and
- (b) contain such other information relating to the efficacy of the plan as the Board reasonably requires, as specified in—
 - (i) any notice under by-law 27C(2), 27D(2) or 27J(1); or
 - (ii) any other written notice served on the person for the purposes of this paragraph.

(3) The Board may, by notice in writing served on the person within 90 days after the report is received by the Board, request such further information from the person relating to the efficacy of the plan as the Board reasonably requires.

(4) A person who is served with a notice under sub-bylaw (3) must provide the information in an approved form and submit it to the Board within 30 days after the notice is served on the person.

Penalty: a fine of \$2,000.

27L Board may Revoke Approval of Water Efficiency Management Plans

(1) The person may, in an approved form, make an application for the Board to revoke its approval of the water efficiency management plan.

(2) On an application under sub-bylaw (1) the Board may revoke its approval if it is satisfied that—

- (a) the lot was supplied with less than 20 ML of water in the consumption year immediately before the consumption year in which the application was made; and
- (b) the person does not intend to use 20 ML or more of water in the consumption year in which the application was made.

6 Heading inserted

6.1 After by-law 27L the following headings are inserted.

“Part 4
Rates and Charges”

7 Schedule 1 added

After by-law 39 add Schedule 1—

“Schedule 1—Specified days for watering by reticulation

[bl.18]

Last digit of property's street or lot number	Days for watering by reticulation
1	Wednesday and Saturday
2	Thursday and Sunday
3	Friday and Monday
4	Saturday and Tuesday
5	Sunday and Wednesday
6	Monday and Thursday
7	Tuesday and Friday
8	Wednesday and Saturday
9	Thursday and Sunday
0	Friday and Monday”

Dated this 28th day of March 2008.

The Common Seal of the Busselton Water Board was affixed in the presence of—

R. PIGGOTT, Acting Chairman.
K. WHITE, Chief Executive Officer.