

### **WATER RESTRICTIONS POLICY**

**Intent** To establish a policy and approval process for the imposition of water restrictions by Cairns Regional Council Water and Waste.

**Scope** This policy applies to all users including commercial, industrial, residential, Council and Cairns Regional Council Water and Waste.

#### **PROVISIONS**

Chapter 2 Part 3 of Division 3 of the *Water Supply (Safety and Reliability) Act 2008* (the Act) provides Cairns Regional Council with the power to restrict water supply due to climatic conditions or for water conservation needs. Under s41(2) of the Act Cairns Regional Council may only impose restrictions in the following circumstances:

1. There is an urgent need for it because of climatic conditions or water conservation needs; or
2. The available water supply has fallen to a level at which unrestricted use of water is not in the public interest; or
3. The service provider has a reasonable and comprehensive strategy for demand management for water and the restriction is essential to ensure the aims of the strategy are met; or
4. The service provider has an outdoor water use conservation plan and the restriction is a measure to be implemented under the plan; or
5. The Minister has published a notice under the \*Water Act section 22 or a regulation has been made under the \*Water Act section 23 and the restriction is for the purposes of the notice or regulation; or
6. The service provider is directed, under a water supply emergency declaration, a water supply emergency regulation or an approved water supply emergency response to impose a restriction; or
7. The water service provider is directed by the regulator under section 42 (2) to impose the restriction.

\*• Water Act, section 22 (Limiting or prohibiting taking, or interfering with, water during emergencies)

• Water Act, section 23 (Regulation may limit taking or interfering with water for 1 year)

Cairns Regional Council Water and Waste may impose the following types of restrictions:

1. The volume of water supplied to a customer or type of customer; or
2. The hours when water may be used on premises for stated purposes; or
3. The way water may be used on premises.

### **Approval to Impose Restrictions**

In normal circumstances, approval to impose water restrictions must be sought via a report to the Water and Waste Committee and recommendation to the Chief Executive Officer as delegate for Council for the water restriction powers under the *Water Supply (Safety and Reliability) Act 2008*

In emergency situations, the Chief Executive Officer may impose water restrictions in accordance with this policy and the provisions of the *Water Supply (Safety and Reliability) Act 2008* upon advice from the General Manager of Water and Waste. In these circumstances a report on actions taken must be provided to the next scheduled Water and Waste Committee meeting.

### **Notification of Water Restrictions**

For s43(1) of the *Water Supply (Safety and Reliability) Act 2008* Cairns Regional Council must give notice of the water restriction to anyone affected by it in the way considered appropriate having regard to the circumstances in which the restriction is imposed.

Except in emergencies the notice will be advertised in the local media. In emergencies the notice will be given in the way the Chief Executive Officer considers appropriate.

Under s43 (2) of the *Water Supply (Safety and Reliability) Act 2008*, water restrictions do not have effect until the day after the notice is given.

### **Exemptions**

The General Manager of Cairns Regional Council Water and Waste as delegate of the Chief Executive Officer may grant exemptions to water restrictions upon application from water users based on the following grounds:

1. For reasons of public health and safety
2. To allow the undertaking of essential works
3. Minor or infrequent uses of water outside the restrictions (e.g. sporting or community events)
4. Any other criteria deemed appropriate under the water supply conditions at the time.

### **Non-compliance with Water Restrictions**

Failure to comply with water restrictions may incur penalties as described in s43 (3) of the *Water Supply (Safety and Reliability) Act 2008*.

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**This Policy is to remain in force until otherwise determined by Council.**

**General Manager Responsible for Review:**

**General Manager Water and Waste**

**ORIGINALLY ADOPTED: 21/03/2001**

**CURRENT ADOPTION: 22/07/2009**

**DUE FOR REVISION: 22/07/2013**

**REVOKED/SUPERSEDED:**