

Taking of Water from the Community Water Facilities

1. Introduction

Maranoa Regional Council owns and operates a number of non potable water points at small rural and regional communities.

These facilities are located across the Maranoa region and include the following:

- Hodgson community water facility
- Eumamurrin community bore
- Noonga community bore
- Teelba community bore
- Begonia community bore
- Bargunyah (Bollon road camp) bore
- Mitchell saleyards bore

The primary purpose of these facilities varies, depending on the licence for the facility and each has a hierarchy of need. Generally, access to the water facility ranks in the following order of priority:

1. Community facilities (halls, schools, sports clubs)
2. Emergency use (firefighting, flood cleanup)
3. Travelling stock
4. Road construction
5. Offtakes by landholders

Where excess water capacity has been identified, an opportunity exists for Council to enter into private offtake agreements. These offtake agreements allow an approval to use EXCESS water not required within the order of priority.

2. What Does an Offtake Agreement Allow?

Applicants need to consider their individual needs when determining if an offtake agreement is suitable for their situation. Applicants need to consider the following:

- **Water agreements do not give guaranteed access to water.**
The agreements allow offtake holders to take excess water other than what is required to meet the higher ranked needs. Applicants need to be aware that there may be periods of time when no excess water is available (such as due to increased roadworks demand or travelling stock) and should consider the implications of periods of no, or limited, supply
- **Water agreements are not transferrable, however should the land be sold, they contain a clause offering the agreement to a new owner on the same terms.**
The agreements form an arrangement between the Landholder and Council for the supply of water, therefore, this agreement ceases to have effect once the landholder no longer owns the land. For the sake of security, Council has consented to include a clause to offer the agreement to any new purchaser under the same terms as the previous agreement.
- **Water agreement fees are a flat fee and are payable if you use water or not.**
The agreements provide approval to access water, up to an agreed amount. They are not a charge on usage, but rather a charge on access. Applicants should be aware that they will be charged the same fee if they use no water, or they use their entire allocation. Refunds or adjustments are not available to offtake holders if they do not use their full entitlement.

- **Water agreements are renewed every 5 years.**
Agreements are subject to a periodic review to ensure that the details and stakeholders in the agreement are up to date.
- **Water agreements do not guarantee supply**
Water agreements allow the offtake holder to take the nominated amount of water if it is available. If the water becomes unavailable, for example due to a failure of the facility, or it is uneconomical to repair, the agreement can simply be cancelled by giving notice in writing.
- **Water must be used for Stock, Domestic or Community Purposes only.**
Water agreements allow the offtake holder to take water for domestic supply (including the watering of a garden) the watering of livestock, or the operation of a community facility, such as a school, hall or sports club. Water must not be used for intensive agriculture (such as feedlots or piggeries) or irrigation.

3. Offtake Specification

Landholders are responsible for the supply, installation and maintenance of all fittings and hardware as specified in the "Offtake Specifications" below, and the Installation of the offtake must not occur without notice to an authorised Council representative.

Landholders will be required to give at least 2 working days notice prior to the installation of their offtake to ensure an authorised Council representative is available, as an authorised Council representative will need to inspect the offtake installation prior to the offtake being used.

Connection to the main source of supply at a community water facility must be done in consultation with the Maranoa Regional Council Rural Lands Services Team. Landholders should discuss with Council as to where they propose to connect to the facility prior to submission of an application.

Offtake Specifications:

- The sequence of fittings from the offtake must contain the following devices, in the following order of water flow:
 - Tapping band or tee piece
 - Stop cock
 - "Maric" Flow Restriction valve (or Similar) restricted to a predetermined flow rate in litres per second.
 - Water meter manufactured to Australian Standard AS 3565.1
 - Non return valve
- The stop cock, flow restriction valve, water meter and non-return valve shall be located above ground on the boundary of the landholder's property, and shall be covered by a cover to protect it from the elements that can easily be removed to allow for inspection.
- Offtake is to be connected to a closed top storage tank (Note: earthen storages, turkeys nest, dams, open top tanks are NOT PERMITTED)
- Connection must be by one (1) high pressure double acting float valve to one (1) storage tank ONLY
- All pipework and fittings shall have a pressure rating of not less than PN8 (800 Kpa) and consist of new (Not recycled) components
- The Flow restriction valve and water meter must be maintained in good working order at all times

Offtake installation must be inspected by an authorised representative of Maranoa Regional Council, prior to backfilling (prior appointment required). The landholder must produce proof of the flow rate for the flow restriction valve (eg. Copy of documentation accompanying valve, itemised on an invoice etc).

Offtake installation must not occur without the knowledge and consent of an authorised representative of Maranoa Regional Council.

Offtake holders must ensure that their offtake remains compliant with the offtake specifications at all times. Tampering with, or removal of the flow meter or flow restriction valve will result in the termination of the water agreement, and disconnection of water supply to the landholder.

Landholders must also ensure that any leaks in the landholders offtake are repaired immediately. Any leak that has been identified by Council and not repaired immediately may be repaired by Council and all costs incurred will be recovered from the landholder as a liquidated debit.

Council reserves the right to inspect any offtake to ensure the continued compliance of any offtake at any time.

4. What Does the Agreement Cover?

The offtake agreement is an approval to take a specified amount of water from a specific point at the facility.

The agreement covers:

- The operating costs of the facility
- The maintenance of the facility
- The licensing of the facility

The agreement does NOT cover:

- The cost of piping and/or pumping water from the point of offtake to the landholder's property
- Costs associated with the installation of the offtake
- Maintenance of the offtake, including the flow restriction valve and water meter
- Compensation for loss or damage as a result of interruption to supply
- Costs associated with pumping water under a High Usage offtake agreement from a solar equipped water facility

5. How much does an offtake cost?

The fee for an offtake agreement is a cost recovery fee. The fee is calculated by determining the costs associated with the supply of the water, and the depreciation of the asset. The fee also assists in funding the ongoing repairs and maintenance of the facility. The fee is generally indexed by CPI and is verified annually by resolution of Council as part of the budget process.

Water agreement fees are an access charge, not a usage charge. No additional fees are levied based on consumption, and the same fee is payable if you use all of your entitlement, or you don't use any of your entitlement.

For the 2019/2020 financial year, the fee is \$401.65 for a standard offtake, or \$1204.95 for a high usage offtake. Water offtake fees do not attract GST

6. When Can an Agreement Be Terminated?

A water agreement can be terminated in the following circumstances:

1. Both parties agree to cancel

Should, for whatever reason, both parties agree to cancel the agreement, both parties can exchange written notification giving 90 days notice advising that the agreement is to be cancelled. Any portion of the fees paid by the landholder remaining in advance will be refunded.

2. By one party giving notice that they wish to cancel the agreement

Should either party decide at any stage that they no longer wish to have the agreement to draw water from the facility. The party must give the other party a notice in writing giving 90

days notice that they wish to cancel the agreement. Any portion of the fees paid by the landholder remaining in advance will be refunded.

3. The supply of water diminishes

Should the water supply at a facility permanently diminish to a level that excess water is no longer available to offtake holders, Council may cancel the agreement by giving 90 days notice in writing. Any portion of the fees paid by the landholder remaining in advance will be refunded.

4. Offtake holder breaches their agreement conditions

Should the landholder commit a serious breach of the agreement (such as removing the flow restriction valve, or tampering with a water meter) the agreement may be cancelled by Council giving 14 days notice in writing.

5. The property changes ownership

If the offtake holder sells the land, the agreement ceases to have effect, however the agreement includes a clause offering the agreement to the new owner under the same terms.

6. The offtake fees are not paid

Should the water agreement fees remain outstanding for more than 30 days, Council may cancel the agreement by giving 14 days notice in writing.

7. What Happens Next?

Once your application is received, the available excess water from the facility will be assessed, and a determination made regarding the approval of the application. Factors considered when determining the entitlement include:

1. Pumping or recharge capacity of the facility
2. Expected usage by higher needs
3. Operational condition of the facility
4. Other applications for offtake agreements
5. The usage by existing offtake holders
6. Expected future demand

Generally, entitlements are determined by a division of the available excess supply divided by the number of offtake holders.

Should the application be approved, a water agreement will be produced and sent to the applicant for review. Should the applicant be satisfied with the agreement, the applicant must sign the agreement in duplicate, and return it to Council.

The agreement will then be signed by the Maranoa Regional Council Chief Executive Officer, entered into our register of water agreements, and a note of the agreement recorded in the rates database. A copy will be retained by Council, and a copy returned to the applicant.

Invoices are issued annually in July and are payable in advance. Any adjustments from the previous year are carried forward to the current year.

8. Further Information

Interested parties should contact the Maranoa Regional Council Rural Lands Services team on 1300 007 662 or via email land.management@maranoa.qld.gov.au