



land series

Stock route water facility agreements

What is the stock route network?

Queensland's stock route network provides pastoralists with a means to move stock on hoof around the state's main pastoral districts, as an alternative to trucking and other contemporary methods.

Stock route water facilities are established water points along the stock route network, predominantly for use by travelling and authorised stock. Facilities include artesian and sub-artesian bores, dams and wells.

What are stock route water facility agreements?

Stock route water facility agreements are essentially contracts for accessing from, or supplying water to, a stock route network water facility. The agreements are between a landowner, a local government and the Department of Natural Resources and Water (NRW) to:

- supply water from a stock route facility to a landowner for stock, domestic or community use
- supply water to a stock route facility from a landowner's private facility
- water travelling stock at a landowner's private water facility
- enable the landowner to maintain a stock route facility on behalf of the local government
- construct a water facility on either the stock route network or the landowner's property. These agreements are only allowed in exceptional circumstances. The permission of NRW must be received before plans can be approved to construct a joint or private facility on the stock route network.

A water agreement can only be entered into when the stock route facility has water excess to the needs of travelling and authorised stock.

When is a water agreement needed?

Any use of the water facility will require a water agreement, however ordinarily a landowner will approach the local government for a supply of water when:

- they identify a need for additional watering points that cannot be met by their private water supplies
- a stock route facility is installed in a convenient location in relation to the landowner's property
- the landowner requires a supplementary water supply in drought or emergency circumstances
- the property is sold and the new owners wish to continue with the arrangements of their predecessors.

How do I apply for a water agreement?

If a water facility agreement is required, landowners will need to apply to their local government. Applications will need to be accompanied by an application for a stock route water facility agreement form—available from the NRW website <www.nrw.qld.gov.au>—or the following information:

- full name and contact addresses of all applicants
- the applicant's ABN
- property description of all properties receiving a supply from the stock route facility
- the landowner will need to identify whether they intend to water stock at the stock route facility or pipe the water to their property
- where the landowner is piping water to their property: the number, location and set up of the watering points distributing the stock route facility water. Where possible, global positioning system (GPS) coordinates should be used to ensure accuracy in determining the layout.



Do I have to pay a fee?

Yes. The landowner must pay an annual fee when they receive a supply of water from the stock route network.

Stock watering fees are calculated according to the area watered method, providing an equitable fee option that applies evenly across all users of stock route water facilities. A flat rate fee is charged for community and domestic uses.

Water agreement fees will be adjusted annually in line with the consumer price index (CPI).

Are water agreements reviewed?

It is a term of the water agreements that they be reviewed every five years. This provides the landowner and the local government with the opportunity to update the relationship and circumstances covered by the agreement.

Local governments will contact landowners when their water facility agreements are due for review. However, any party may approach the local government to have the agreement reviewed outside the scheduled review period.

A new water agreement may also be required as part of the water agreement review process, depending on the level of changes. Some of the changes that will require a new agreement to be prepared include:

- change in supply arrangements
- change in how the water is supplied
- alteration in fees
- changes in maintenance arrangements.

Can agreements be terminated?

A water agreement may be terminated in the following circumstances:

- sale or transfer of the property—when a property or part of a property is transferred or sold, the water agreement automatically terminates. Landowners are required to inform the local government when the property has been transferred or sold
- by agreement—landowners, the council and NRW may mutually agree to terminate the water agreement
- with notice—where one party wishes to terminate the agreement but the other parties do not, the water agreement can still be terminated by forwarding written notice to the other two parties advising of their intention. Termination will take effect 90 days after receipt of the notice
- permanent loss of water—where the facility has permanently lost its water source, the water agreement will be terminated.

Once an agreement is cancelled, taking water from a facility is an offence unless landowners have a travelling stock or agistment permit issued by the local government.

If landowners opt to cancel their agreements, they may approach the council any time in the future to enter into a new agreement.

If the landowner before me had an agreement before I bought the property, do I need a new one?

Yes. If a property is sold and the new owners wish to continue with the arrangements of their predecessors, a new agreement will have to be developed.

Under the previous Acts water agreements could be registered on title and bind successors in title, however this is not required under the Land Protection Act.

The new agreements negotiated under the Land Protection Act will be personal agreements. They will not be attached to the land and will terminate when the relevant land is sold or transferred.

More information?

For further information on stock route water facility agreements visit the NRW website <www.nrm.qld.gov.au> or email <wateragreement@nrm.qld.gov.au>.

Alternatively, you can contact your relevant local government.