

Renmark Irrigation Trust

Set of Rules

(Resolved under Section 5 of the *Renmark Irrigation Trust Act 2009*)

EFFECTIVE FROM DATE: 7 December 2020

These Rules were passed by a Resolution of the Renmark Irrigation Trust at a general meeting held 07 / 12 / 2020

All previous resolutions made by the Renmark Irrigation Trust on matters resolved in these Rules are rescinded as from the effective date of these Rules.

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Introduction to Rules

These Rules are:

- resolutions made by the Renmark Irrigation Trust as described in section 5 of the *Renmark Irrigation Trust Act 2009 (RIT Act)*;
- intended to be used as a helpful guide for existing, new, and potential customers of the Renmark Irrigation Trust; and
- are to be read in conjunction with the *Renmark Irrigation Trust Act 2009*, the *Renmark Irrigation Trust Regulations 2009*, and with any current Renmark Irrigation Trust policy, procedure, and guidance documents.

Legislation within the RIT Act or *Renmark Irrigation Trust Regulations 2009 (RIT Regulations)* is not restated in full, however references to particular sections are included where applicable.

Clarification regarding these Rules can be requested by contacting the Trust Office on (08) 8586 6911 or by emailing office@rit.org.au.

Introduction to Renmark Irrigation Trust

Renmark was established by the Chaffey Brothers in 1887 as an irrigation settlement. The Trust was constituted by a statute of the South Australian Parliament which was assented to on 23 December 1893, becoming the area's first local government authority.

By delivering water efficiently and at a low cost, the Trust helps growers feed the world by producing premium quality produce. Trust irrigators have access to water almost 24/7, giving them control over managing weather extremes. Growers also have the flexibility to monitor their irrigation online via the Trust's metering system.

The Trust's mission is to ensure the long-term viability of the Renmark Irrigation Trust through the development and implementation of innovative practices which continuously improve the effective and efficient management of the Trust's assets and water distribution network.

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1. Variations and Definitions

1.1 Variations

- (a) The Board of Management may alter these Rules by ordinary resolution.
- (b) Any provision in these Rules which is inconsistent with the RIT Act and/or the RIT Regulations shall be severable.

1.2 Definitions and Meanings

- (a) Unless inconsistent with the context of these Rules, words and phrases used in the RIT Act and the RIT Regulations shall bear their same respective meanings when used in these Rules.
- (b) In these Rules the following words listed have their below corresponding meaning:

Term	Definition/Meaning
Access Charge	the fee to access Renmark Irrigation Trust's water delivery infrastructure.
Board	the Board of Management of the Trust.
Customer	includes any consumer of water held on the Trust's water licence or a recipient or beneficiary of Trust infrastructure or services.
Delivery Right	a Customer's share of the capacity of the Trust's pumping and pipeline infrastructure and the Site Use Approval for the Renmark Irrigation District; providing the Customer with the right to have water delivered to their property.
Domestic Irrigator	a Customer receiving water through a domestic meter who resides on land rated by the Trust and who pays Access Charges.
Domestic Non-Irrigator	a Customer receiving water through a domestic meter who resides on land not rated by the Trust and does not pay an Access Charge.
Dual Purpose Service	a water supply service that provides irrigation water and domestic water through one Supply Connection.
Industrial Premises	a property where industrial work is in operation and which requires the continuous availability of water and a usage of water that may exceed the irrigation entitlement of the gross area of the premises if such area were assessed.
Holding	a collection of properties or titles with respect to the same business undertaking concerned with carrying on the business of primary production.

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Term	Definition/Meaning
Land Occupier	a person or entity occupying land.
Land Owner	a person or entity as registered as owner on a relevant land title.
Member	in addition to Trust membership requirements outlined in the Act a person or entity is deemed to be a Member of the Trust while they are an owner, or an occupier of land, with a total holding of not less than half a hectare of Rated Area in the Renmark Irrigation District. The land owner shall be deemed to be the Member unless the Trust is otherwise notified in writing.
Private Diverter	an irrigator who is a Customer of the Trust but does not have water delivered through Trust infrastructure.
Rated Area	the area assessed by the Trust as all arable land within the boundaries of a land title and shall include areas currently planted or unplanted such as headlands, tracks, windbreaks, drying greens, gardens, residential buildings, sheds or other infrastructure.
Renmark Irrigation District	All land serviced by a RIT Service.
RIT	Renmark Irrigation Trust.
Service	a water Supply Connection, a drainage connection or other functional activity provided by the Trust.
Supply Connection	the irrigation, domestic, industrial or Private Diverter water supply delivery point incorporating a water meter.
RIT Act	the <i>Renmark Irrigation Trust Act 2009</i> .
RIT Regulations	the <i>Renmark Irrigation Trust Regulations 2009</i> .
State Government	the State Government of South Australia.
Trust	Renmark Irrigation Trust.
Water Entitlement	an ongoing right to an exclusive share of water from a water resource. In the context of these Rules, this may refer to Class 1, 3 and/or 5 of South Australian Water Entitlement.
Water Year	the period from 1 July through to 30 June for any 12 month period.

2. Trust Membership

Ref: RIT Act 2009 Section(s) 7,8

Origin: RIT Act 1936

2.1 Member definition

- (a) In addition to Trust membership requirements outlined in the Act, a person or entity is deemed to be a Member of the Trust while they are an owner, or an occupier of land, with a total Holding of not less than half a hectare of Rated Area in the Renmark Irrigation District.
- (b) The land owner shall be deemed to be the Member unless the Trust is otherwise notified in writing.

3. Nominations, Voting, and Board of Management

Ref: RIT Act 2009 Sections 11, 13

Origin: RIT Act 1936 Sections 153-163

3.1 Voting Rights

- (a) All polls at general meetings shall be on the basis of one vote per Member and each vote shall be of equal value.
- (b) If two or more persons or entities are Members of the Trust with respect to the same undertaking and/or holding, a person must be nominated by them all to vote.

3.2 Nominations to be a Director on the Board of Management

To be eligible for nomination as a Trust Director a person must be a Member of the Trust, or a person nominated by a Member under section 11 of the RIT Act. The Member (or in the case where a person is nominated, the nominating Member) must have a total Holding of not less than five hectares of rated land in the Renmark Irrigation District and primarily be in the business of primary production.

3.3 Director conduct/dismissal

A Trust Director must at all times act in good faith and exercise the powers and fulfil the duties of their office honestly and with integrity. A Director of the Trust is one that represents the Renmark irrigation community and each Director has a duty to act in the best interests of the Trust and uphold the Trust's standing and reputation. If a person holding the office of Director at the Trust ceases to be what the Trust Board determines, on reasonable grounds, to be in the best interests of the Trust, the Trust Board may resolve, by ordinary resolution, to remove that person from their office of a Director of the Trust.

4. Water Entitlements and Allocations

Ref: RIT Act 2009; Water Act 2007; Water Market Rules 2009; MDB Plan Chapter 12

4.1 Water Entitlement

A Water Entitlement is an ongoing right to an exclusive share of water from a water resource. In the context of these Rules, this refers to Class 1, 3 and 5 of South Australian Water Entitlement.

4.2 Annual Allocations

Annual Allocations will be set at a percentage of Water Entitlement held, being the same percentage as that determined by the State Government for Water Entitlements in a water year.

4.3 Carryover of Irrigation Allocations

Carryover rules shall be as defined by the carryover policy of the State Government and passed on to Trust Water Entitlement holders in the same manner, as is reasonably practicable and within the ability of the Trust to do so.

5. Water Supply Services

Ref: RIT Act 2009 Section 68

5.1 General

- (a) Applications for the supply of water shall be made subject to any notice and conditions the Trust may require.
- (b) No chemicals, contaminants, steam or any other seepage of chemicals or substances from a Customer's land and irrigation infrastructure is to escape and enter RIT's water supply.
- (c) No Customer shall cause any irrigation or storm water from any land to run directly or indirectly into any irrigation work or drain under the control of the Trust.
- (d) Customers shall provide and maintain, at their cost, all of the internal infrastructure to the Customer's land.
- (e) Customers shall take due care to prevent water being wasted and shall for that purpose ensure that the use of water is adequately supervised.
- (f) No Customer shall allow water supplied by the Trust to run to waste on any land.
- (g) The Trust may at any time and without notice discontinue or refuse the supply of water to any land in the district which is not in the opinion of the Trust properly prepared to receive such supply.
- (h) Any Customer's infrastructure deemed unsuitable for connection to the Trust infrastructure may have the water supply disconnected until such time as repairs are carried out.
- (i) The Trust may, before supplying water to a Customer, require that person or entity to pay a sum determined by the Trust in order to meet the capital expenditure incurred by the Trust in supplying that water.
- (j) All water supplied to a Customer shall be metered.
- (k) No person other than the Trust shall provide any meter for measuring the volume of water supplied by the Trust.
- (l) Each Customer shall, in addition to the annual Access and Service Charges, pay to the Trust on demand the price determined by the Trust for each kilolitre of water supplied to the Customer.
- (m) When requesting a new Domestic Supply Connection, a Customer will be required to either surrender to the Trust (or fund the purchase of) as follows:
 - Domestic (Non-Irrigator) Customer: 1 Megalitre of Water Entitlement;
 - Domestic Irrigator or Dual Purpose Customer: 300 kilolitres of Water Entitlement.
- (n) To ensure the Trust's legal compliance in managing its water licence, if a Customer sells their Water Entitlement linked to a property in the Renmark Irrigation District, or sells their property in the Renmark Irrigation District, at settlement of any such sale, it is the responsibility of the

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seller/purchaser, to determine between them, that the following Water Entitlement volume must remain available to be delivered to the property:

- For Domestic Irrigator/Dual Purpose: 1 Megalitre of Water Entitlement.
- (o) In relation to a property sale, the 1 Megalitre of Water Entitlement requirement outlined in section 5.1(n) will be applicable where there is an existing Domestic Irrigator or Dual Purpose Supply Connection at the property. If no existing Domestic Irrigator or Dual Purpose Supply Connection exists, applicable Water Entitlement requirements will be triggered when a new Supply Connection is requested.

5.2 Other Services

- (a) The Trust may provide a continual supply of water to Customers for stock and domestic purposes, industrial purposes, or public (including parks and environmental watering) purposes, subject to the limitations of the Trust's water licences and other limitations due to capacity of the distribution system, breakdowns, maintenance, power failures, strikes, lock outs or other impediment.
- (b) Industrial Premises will be provided with a Service at the discretion of the Trust on a case by case basis.
- (c) An owner or occupier who has residential or other buildings or other requirement for continual supply in addition to an irrigation service must also have installed a domestic service. Alternatively, a Dual Purpose meter (irrigation and domestic) may be allowed depending on the area of land served and the type of irrigation system installed on the property.
- (d) All Customers of the Trust are required to install and maintain storage of stock and domestic water sufficient for seven (7) days' supply for the purpose of water supply during annual shutdowns and general or emergency maintenance.
- (e) Domestic or other services must not be interconnected to an owner's or occupier's irrigation system except in the case that a Dual Purpose Supply Connection is installed.

5.3 Private Diverters

- (a) The Private Diverter's rights to water supply under the Trust's Licence will apply until such time as it is revoked in writing by the Trust or by notification in writing from the owner.
- (b) The Trust will, at the Private Diverter's cost, install a suitable water meter on every Private Diverter's water take-off point to meter the quantity of water diverted onto the Private Diverter's land.
- (c) Meter compliance requirements, including maintenance, repair, and replacement will be at the Private Diverter's cost and must be conducted by a third party who holds all legislative certifications, and is a third party approved by the Trust.
- (d) If the Trust revokes a Private Diverter's rights to water supply under the Trust Licence, the Private Diverter will need to make arrangements directly with the relevant water licensing authority.
- (e) A Private Diverter is not a Member of the Trust and has no voting rights.

5.4 Installation and Maintenance of Water Meters

- (a) The Trust may at any time repair, alter, remove or refix any meter.
- (b) The location, size and type of the water meter installed will be determined by the Trust with regard to Trust policy and in consultation with the occupier.
- (c) Any new installations of 25mm domestic service water meters for residential purposes must discharge into a holding tank with sufficient capacity for seven (7) days supply of water for that property, installation of which must be undertaken within ninety days of the Trust's agreement to supply the Domestic Service.
- (d) Any Trust facility (such as pipeline, Supply Connection etc.) installed on a property or situated in close proximity must not have any structure built, or tree/shrub planted within 3 metres from the centre of that facility, as the Trust may insist on its removal and no compensation shall be payable.
- (e) Customers must ensure that Trust officers and agents have safe and straightforward access to water meters and other Trust infrastructure for the performance of their duties.
- (f) If a water meter is damaged the Customer must report the matter to the Trust as soon as the damage is noticed. The Trust will then act according to RIT Regulations Section 6.

5.5 Annual Shutdowns of Water Supply

The Trust may shut down the pumping of water through its infrastructure for a continuous period of up to one week per annum, during times when demand for irrigation water is low, provided that the Trust gives reasonable notice (of at least two weeks) to Customers.

5.6 Other Programmed Shut Downs

- (a) Notwithstanding the provisions of section 5.5 the Trust may shut down pumping at such other times as Trust management may reasonably think fit, providing that in doing so, the Trust shall have regard to causing as little disruption to Customers as possible.
- (b) The Trust is required to give reasonable notice to Customers of programmed shut downs.

5.7 Emergency Shut Downs and Breakages

In case of emergency, shut downs may be ordered by Trust management in order to facilitate reinstatement of water supply.

6. Drainage Services

Ref: RIT Act 2009

Origin: RIT Act 1936 and Regulations 1994

6.1 Drainage Connections

Subject to clauses 27, 29 and 45 of the RIT Act; No person shall connect or cause to be connected any private drain with a Trust drain without the consent in writing of the Trust.

6.2 Drainage Protection

- (a) No contaminants or other risk materials are to escape from the Customer's property, directly or indirectly, into the Trust's drainage system.
- (b) The Trust may inspect and isolate a Customer's drainage system at the associated terminal sump at any time should it be suspected that a contamination or other risk is posed to the Trust's drainage system.

7. Charges

Ref: RIT Act 2009 Part 6 Division 1

7.1 Access Charges

- (a) Access Charges shall be set at a rate per hectare as declared by the Trust and charged on the Rated Area of an occupier's land title(s) as assessed by the Trust.
- (b) A minimum amount will apply for Access Charges as declared by the Trust.
- (c) Access Charges will be invoiced at periods determined by the Trust.

7.2 Rated Area Assessment

- (a) The Rated Area assessment shall include all arable land within the boundaries of the land title and shall include areas currently planted or unplanted such as headlands, tracks, windbreaks, drying greens, gardens, residential buildings, sheds or other infrastructure.
- (b) Every new assessment or alteration, except as otherwise provided by the RIT Act, shall be made at the discretion of the Trust.
- (c) For the purpose of making the assessment, the Trust may ask any necessary questions of any owner or occupier of rated land, or person in charge thereof, in order to enable the Trust to correctly assess the rateable area of land.

7.3 Delivery Charges

- (a) Delivery charges will be set at a rate per kilolitre as determined by the Trust. This may be stated as a rate per megalitre for regulatory compliance purposes.
- (b) Each Customer, in addition to the annual Access Charges or service charges, must pay to the Trust on demand the price determined by the Trust for each kilolitre of water supplied to the Customer.
- (c) Delivery charges will be invoiced quarterly following water meter readings.

7.4 Domestic (stock, house and garden) services

- (a) Domestic service charges will be a charge per service at a rate as determined by the Trust based on the Customer type, with Domestic Irrigators (who pay rates on the land) charged a lower rate than Domestic Non-Irrigators.
- (b) The charge will be invoiced at periods determined by the Trust.
- (c) Domestic properties are granted the following domestic water use allowances:

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- Domestic Non-Irrigator: an annual allowance of 928 kilolitres of Domestic water use through their meter, charged at the applicable rate. All additional water use will be charged at a rate as determined by the Trust.
- Domestic Irrigator: an annual allowance of 295 kilolitres of Domestic water use through their Domestic water meter, charged at the applicable rate. All additional water use will be metered against any other allocation appearing on that Customer's account.

7.5 Dual Purpose Services

- (a) Dual Purpose Services shall be charged Access Charges for the assessed Rated Area in addition to a Domestic Irrigator Service charge at the rate as determined by the Trust.
- (b) Dual Purpose Service properties are granted an annual allowance of 295 kilolitres of Domestic water use through their Dual Purpose water meter, charged at the applicable rate. All additional water use will be metered against any other allocation appearing on that Customer's account.

7.6 Industrial Services

- (a) Industrial Service charges will be based on either the water meter size, which is determined following an assessment of the Customer's intended operations, or type of Service at a rate determined by the Trust.
- (b) The charge shall be invoiced at periods determined by the Trust.
- (c) Delivery charges also apply to water delivered through the service at a rate determined by the Trust.
- (d) The Trust may charge variable rates per kilolitre of industrial water consumption based on water consumption within certain volume ranges as determined by Trust policy. For non-rated properties, these rates may be stepped (see section 43(3) of the RIT Act).

7.7 Private Diverters

- (a) Private Diverter charges will be an annual service charge and will be invoiced at periods determined by the Trust.
- (b) Delivery charges are not applicable to Private Diverter services.

7.8 Public Purposes Watering (on unrateable land)

Charges for public purposes watering on unrateable land will be a calculated delivery rate per kilolitre that provides an equivalent to a combination of standard Access Charges and Delivery Charges.

7.9 Water Meter Readings

- (a) Water meters shall be read at such intervals as determined by the Trust.
- (b) The measurement shown on the Trust installed meter is evidence of the quantity of water supplied. If, however, the measurements obtained from the meter are, in the opinion of the Trust, inaccurate or the Trust meter reader cannot get safe or straightforward access to the meter then the Trust or an officer authorised by the Trust may assess the quantity of water supplied according to section 9 of the RIT Regulations.

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- (c) If a Customer is dissatisfied with any reading of any meter installed by the Trust, they may apply in writing to the Trust requesting the testing of such meter.
- (d) If, upon such testing, the meter registers in excess of the legislated permissible +/- 5 per cent recording variance, the Trust shall make an adjustment to the consumption recorded on the meter since the last reading taken.
- (e) If a water meter is damaged the Customer must report the matter to the Trust. The Trust will then act according to RIT Regulations Section 6.

7.10 Drainage Charges

- (a) Trust operating costs for drainage services shall be recovered through the irrigation access and delivery charges.
- (b) If a drainage service is required on a property where Access Charges do not apply then an annual service charge will apply at the amount determined by the Trust.

7.11 Statutory/Third Party Charges

- (a) Any statutory or third-party fee or charge incurred by the Trust in relation to the management of a Customer's water on the Trust's licence, where such fee or charge is not covered under any other applicable charges paid by the Customer, will be passed on to the Customer.
- (b) The Trust will charge a small administration fee (as deemed reasonable) for facilitating payment of any such fees or charges.

7.12 Person liable to pay charges

Ref: RIT Act 2009 Section 52

- (a) The person or entity primarily liable for the payment of any charges in respect of any rated land is the person or entity appearing in the Trust records as the occupier of the land.
- (b) In default of payment by or recovery from that person or entity, or if the land is or becomes unoccupied, then the person or entity appearing in Trust records as the owner of the land is liable.

7.13 Change of ownership of a property

- (a) The sale agreement of a property must include instructions for the Trust in regard to Water Delivery Rights, Water Entitlement, and Water Allocations.
- (b) In the event of sale of rated land a special reading of all water meters will be taken on the date of settlement. Delivery fees for water used up until date of settlement will be charged to the previous occupier. Water use after the date of settlement will be charged to the new occupier.
- (c) Access Charges are charged to the current occupier at the time charges are applied. Any monies owed to the Trust by either party to a sale agreement shall be determined by that agreement and paid by settlement of the agreement.

7.14 Interest for Late Payments

Ref: RIT Act 2009 Section 48 and RIT Regulations 2009 Section 11

All amounts outstanding for more than 90 days from the date of invoice will have interest charged immediately at 10% on charges owing at the expiration of the 90 day period and then additionally at 1% each month thereafter on the accumulated total outstanding. The application of interest for late payments is a discretionary power of the Trust and may be altered upon agreement.

7.15 Restriction or Isolation of Supply due to Non-Payment of Charges

- (a) If any charges or fees are in arrears for 180 days or more the Trust may restrict or refuse the supply of water to any Customer.
- (b) A reconnection fee shall apply at a rate determined by the Trust should a service be isolated for non-payment of charges or fees.

7.16 Payments by Instalments

Customers may make payments in instalments by agreement with the Trust. Interest will continue to be charged on all amounts in arrears at the same rates outlined in section 7.14, unless alternative arrangements are agreed at the Trust's discretion.

7.17 Sale of Land for Non-Payment of Charges

Ref: RIT Act 2009 Section 54

If charges remain unpaid for one year or more, and after due consideration given to the circumstances by the Board, the Trust may sell the Customer's land to recover amounts owed.

8. Land Subdivisions

Ref: RIT Act 2009 Section 65

- (a) In this section:
 - i. **holding** means any area of land or any two or more parcels of land separated only by roads, track or channels, situated within the district and occupied and used as a single vineyard, orchard or garden; and
 - ii. **subdivide** means to transfer, convey or sell or enter into any other transaction under which any person or entity becomes entitled to the separate occupation of any part of a holding.
- (b) Charges apply for providing search information and for the consideration of a subdivision application.
- (c) Before granting approval to any plan or subdivision, the Trust will require the owner to pay to the Trust an amount equal to the estimated cost of providing additional irrigation, drainage and domestic water supply works which in the opinion of the Trust are necessary as a result of the proposed subdivision. If the cost of the works is less than the amount paid then the difference shall be credited to the owner. If the cost of the works is greater than the amount paid then the difference shall be charged to the owner.

8.1 Control of subdivision of irrigated land

- (a) If any person subdivides any holding of irrigated land situated within the district without having first obtained the consent of the Trust the Trust, at its discretion, may refuse to supply water to any part of that holding.
- (b) If any rated land is supplied with water, and by reason of any change in ownership in the land any part of the said land ceases to be capable of being supplied with water from the existing irrigation works of the Trust, the Trust is not obliged to supply water to such part of the said land unless the owner pays to the Trust the cost of constructing any irrigation works necessary in the opinion of the Trust for the purpose of supplying such part with water.
- (c) Terms and conditions applicable to a subdivision will be determined by the Trust in consultation with the owner on a case by case basis with regard to the following:
 - i. service types and installations of water meters required to supply the subdivided titles;
 - ii. size of water meters for the areas of land to be served;
 - iii. capacity of the pipeline network to supply the subdivided areas;
 - iv. drainage services required for each subdivided title;
 - v. any private irrigation or domestic pipelines, which extend into or from either of the proposed allotments, are to be terminated at the common boundary prior to settlement and the work must conform to Trust requirements; and
 - vi. any other relevant considerations and applicable rules required under applicable legislation or Trust policy.

8.2 Land with town water supply available

Ref: RIT Act 2009 Section 28(2)

- (a) If a land title has or will have access to town water supply (e.g. SA Water) and the title has or will be reduced to less than 1500 square metres then the title will be terminated from water supply by the Trust and will be subject to termination fees on any associated rated area.
- (b) If the land title remains above 1500 square metres in area then the landholder will be given the option to retain an applicable service with the Trust for irrigation purposes.