

Mayor Brent's letter, 31-3-15

From: Cr John Brent <mayor@scenicrim.qld.gov.au>

Date: Tue, 31 Mar 2015 02:42:46 +0000

To: Cr John Brent <mayor@scenicrim.qld.gov.au>

Subject: Commercial groundwater extraction

Thank you for writing to express your concerns about commercial groundwater extraction. The below response that I provide was sent to local media and may appear in print shortly. Whilst it may not address all the issues raised in your email, I think it's important to establish all the facts.

Given the continuing debate regarding commercial water extraction on Tamborine Mountain, I thought I would take this opportunity to talk through some of the issues involved.

I appreciate there are many people in our community who hold strong views in relation to this matter. I respect your right to express an opinion or concern, however, it is important that as a community we have all the facts on the table.

I recently reported on the outcomes of investigations undertaken by the Department of Transport and Main Roads (DTMR) in relation to heavy vehicle movements on the Mountain. Council requested this action in response to community concerns, particularly in regard to articulated water tankers travelling on State-controlled roads in the region.

DTMR's studies found rigid and heavy vehicles, a category which includes buses, light trucks and semi-trailers, represented less than 2% of all vehicle movements. It also found heavy vehicle involvement in traffic accidents was not disproportionate to the volume of these vehicles.

Vehicle operators have a right to use public roads unless otherwise determined by the responsible State agency. It remains a matter for the Queensland Police Service or DTMR to ensure compliance with traffic and legal requirements.

In relation to the groundwater resource on Tamborine Mountain, it does not belong to Scenic Rim Regional Council, nor is it the personal or communal property of landholders or residents. It is vested in the Crown on behalf of all Queenslanders, similar to coal or iron reserves. Council has absolutely no authority to manage or control the volume of water extracted for commercial use as the management of underground water resources is the responsibility of the State under the *Water Act 2000*.

Commercial extraction, to be clear, refers to the removal of groundwater from a property for the purpose of sale. It does not apply to water extracted and used on-site for household, animal care or agricultural purposes.

The State is responsible for controlling the extraction of these resources from regions which have been protected as groundwater areas, however, Tamborine Mountain is not classified as a protected groundwater area. No authorisation or approval is required from the State as the responsible entity to extract sub-artesian water for commercial or private use.

The extent of Council's authority to influence commercial groundwater extraction in the Scenic Rim is confined

to whether the business activity is consistent or inconsistent with the land use of the area under its planning and development approval process.

The assessment of such applications is undertaken by Council staff, who provide a recommendation to the elected Council based on the relevant planning regulations and supporting materials, which includes submissions made by the community.

Council cannot change the ground rules by banning certain types of developments and industry; we are prevented from doing so by State legislation. The *Sustainable Planning Act 2009* only allows specific types of developments to be banned outright in local Planning Schemes.

At the end of the day, all councils have to operate within the scope of powers delegated by the State Government. Obviously it follows that local government cannot make its own decisions on matters over which it has no jurisdiction.

I hope this information assists in clarifying matters regarding the use of groundwater in your community.

Yours sincerely

Cr John Brent

Mayor

Scenic Rim Regional Council

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