

9.1 Mayoral Minute - Tamborine Mountain Groundwater Update

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Executive Summary

Council has previously considered a range of issues concerning water supply and the interaction with groundwater extraction for domestic and commercial purposes in the Tamborine Mountain (Mountain) precinct, and with the ongoing drought affecting the whole of our region, there is a continuing range of issues being directed to Council from some in the Tamborine Mountain community.

While we have endeavoured to provide clear fact based communication, I am tabling this Mayoral Minute to ensure Council has given due consideration to the wide range of issues, and ultimately have confidence that there are reasonable mitigations in place for access to safe water supply within the community.

The key issues are summarised below:

1. Limiting currently approved water extractors from providing commercial water to off mountain customers;
2. Reducing development application fees to enable intending commercial extractors to commence the on mountain extraction of water for domestic purposes;
3. Amend the current water study parameters before the study is concluded;
4. Concerns of increased water pricing if water is accessed from off the mountain; and
5. Requests for Council to become a water provider and erect a number of accessible potable water supply standpipes and other facilities across the mountain.

Each of these issues is explored in further detail below:

1. Limiting Access to Water Supplies for Off-mountain Customers

Council is aware that local water carriers are expressing concerns that the supply of water for household delivery on Tamborine Mountain is reduced, and with no rain predicted soon, may become critical. Additional water supplies (bores) are being sought to supplement existing supplies to cope with increased demand.

Any commercial water extractor on the Mountain is doing so in the context of relevant approvals and therefore a legitimate use.

There is no legal recourse for Council to require water suppliers to provide additional water for local use. Once a development has been approved, it may continue to conduct the use indefinitely as approved. Council has no authority to restrict or modify a lawful use, except with the concurrence of the applicant. This is a fundamental principle of planning legislation. Legal advice has confirmed this to be the case.

Both the current Beaudesert Shire Planning Scheme and the draft Scenic Rim Planning Scheme identify commercial ground water extraction on Tamborine Mountain as Impact Assessable (inconsistent). As such, an applicant seeking to provide water for local use only, is required to seek development approval with significant application fees and must demonstrate an over-riding need which outweighs the inconsistency.

The Beaudesert Shire Planning Scheme defines this use as Commercial Ground Water Extraction (CGWE) which is an Impact Assessable (inconsistent) use across the Tamborine Mountain Zone. The definition of CGWE does not differentiate between local domestic supply and commercial bottling supply.

2. Consideration of a Reduced Development Application Fee

A reduction in development fees for Commercial Groundwater Extraction will not address the current issues being faced by water carriers on Tamborine Mountain. Development approval is still required and it will be assessed against the Beaudesert Shire Planning Scheme which views the use as inconsistent.

Council's Register of Fees and Charges 2019, lists Commercial Ground Water Extraction as a Category 3 Development - Industrial Use for the purposes of a development application fee. The current fee for Impact (Inconsistent Use) is \$21,074.

Any development application (irrespective of fee paid) must still be assessed against the Planning Scheme via an Impact Assessable (inconsistent) application. As such, a reduced or waived fee will not automatically mean applications would be approved.

A number of persons have indicated that they wish to commence local water supply, generally from existing bores. To date, the locations suggested are either residential or rural residential and as such are generally inappropriate.

Council is also aware that water extractors are limited by moratorium and State legislation in regulated and riparian areas. This does not apply to Tamborine Mountain, meaning that the potential for many (or too many) additional commercial water extractors is possible.

Recent Planning and Environment Court decisions have clarified that there is no legitimate mechanism for Council to control where a customer for such extraction can be located.

3. Groundwater Research on Tamborine Mountain

The Queensland University of Technology (QUT) has previously established a network of groundwater bores for monitoring groundwater resources in the Tamborine Mountain area under the leadership of Andrew Todd (formally a QUT employee). His project report was published in 2011.

The local community has continued to monitor a limited number of these bores however there are still significant gaps in data and knowledge relating to the groundwater resource on Tamborine Mountain.

Council unanimously supported a decision early in this term to fund a three year study with Queensland University of Technology to provide a scientific basis for the future management of groundwater and aquifers within the Mountain precinct. This study is not yet complete.

It is noted that the relevant State Department had previously advised that their research supported a view that current extraction from the groundwater posed a low risk. Given there had previously been conflicting reports, Council resolved to continue with a further independent study.

The program of research includes a three year PhD project to improve the understanding of the groundwater resource on Tamborine Mountain and assess the current status of this resource. The methods utilised include groundwater and surface water monitoring, geochemical analyses, community consultation and detailed data analysis. In addition to the PhD project, several supporting undergraduate student projects will supplement the monitoring and research activities. This research is in its final year.

In partnering with QUT, the following research questions are being addressed:

- What are the key processes controlling groundwater level trends?
- What are the characteristics of groundwater-surface water interactions?
- What are the current recharge rates and how do they vary spatially?
- What is the level of connection between upper and lower aquifers?
- What are the current levels of groundwater extraction and how do they vary spatially?

While there are members of the community calling for expanded scope of the study, there is no capacity for Council to compel access to water extraction data from any extractor, or to compel access to bores for data capture, that is, the study has to rely on voluntary participation.

The stated position of Council is that a long term approach to managing the groundwater resources on Tamborine Mountain needs to be underpinned by detailed research and understanding of the aquifers and our impacts upon them.

4. Pricing of Water

Advice from local water carriers is that the supply of water from groundwater extraction within the Tamborine Mountain precinct for household delivery on Tamborine Mountain is limited, and with no rain predicted soon, may become critical. Options do exist should local water supplies become limited including in the form of off-mountain water sources and water carriers. While costs may be higher, this is relative to travel times. Anecdotally these costs are similar to those experienced elsewhere in the region when resupply is required.

Current known supply options within Tamborine Mountain precinct include three domestic water supply bores. Water supplies are also available at Tamborine and Canungra (via Queensland Urban Utilities [QUU] standpipe). Other CGWE sites provide water for off-mountain uses including bottled water.

There is concern that the supply of water from off the Mountain will constrain the amount of water able to be delivered due to increased travel times between loads. However the market indication is that there are a wide range of operators able to add capacity to meet demand.

Contact made with water carriers in 2018 determined they do or will supply the Mountain as needed. The cost of supply will be higher as greater travel times are involved.

At this point, Council is aware that there is adequate overall water capacity and water suppliers have supply and can deliver. Council is aware that some within the Tamborine Mountain market regard it as under stress through a lack of mountain based water suppliers, longer than usual waiting lists and limited capacity for carrying water. Higher pricing of water or the setting of a water price is not an area for which Council has the legal power to intervene. Water users are encouraged to plan well ahead.

5. Water Supply by Council

The issues faced on Tamborine Mountain are no different to most rural and rural residential areas of the region. Households outside the reticulated water supply areas are familiar with the requirement to buy in water from time-to-time. There are a number of suppliers both locally and off the mountain that provide this service. A number of approved water supplies exist on the Mountain, as well as access to QUU water standpipes.

Unlike some of our neighbouring Councils, such as Southern Downs Regional Council, City of Gold Coast and Logan City Council, Scenic Rim Regional Council does not have a direct role in domestic water supply anywhere within the region, that is, Council is not a registered or approved Water Supply Authority by the Queensland Government (Department of Natural Resources Mines and Energy).

Where reticulated supply is available, this is provided by QUU and users pay for the service and their usage directly with them.

More than 97 per cent of the region (by land area) does not receive reticulated water supply. Residents and businesses in these areas all accept individual responsibility for their own water supply. Some do this, including on Tamborine Mountain, by installing sufficient infrastructure to give them specific water reliability. Others rely on being able to access resupply from a range of other sources via a commercial arrangement.

QUU, Gold Coast Water and Logan Water have designated potable water fill points available for commercial water carriers to fill for transport to customers. These are in addition to the local water extractors based on Tamborine Mountain.

The region is indeed experiencing significant drought conditions and across the region many are needing to seek resupply from commercial carriers for their domestic needs. The specific partner provider for Scenic Rim Regional Council, QUU, has confirmed they have sufficient capacity to support current projected top up supply.

Monitoring of tank levels by residents and early planning for resupply is an important individual responsibility to mitigate risk.

Council is monitoring the current situation across the whole region, seeking regular updates from QUU and the water re-supply sector to understand if any community is at unacceptable risk. The present data indicates, while much of our rural land use water supply is under stress, the region is not yet nearing an emergency for access to domestic water supply or resupply.

The Planning Act s.166 provides that it is not unlawful to carry out a necessary activity in an emergency which includes an endangerment to health. As such, this could apply to the domestic water extraction in the extreme event that it should become necessary to ensure household water availability.

It would be prudent for Council to begin planning for a potential situation where Tamborine Mountain and other residents across our region are not able to obtain water supplies. Stages could include:

Stage 1 - In alignment with the activation levels in place with Seqwater and QUU for reticulated water customers, support a media awareness campaign to encourage the restricted use of water by residents on tank water, the campaign to also promote the pre-ordering of water in advance of need, say with 2-3 weeks supply remaining. This may involve contacting a number of suppliers before a delivery can be secured and potentially at a higher cost.

Stage 2 - Conduct a review with existing lawful groundwater suppliers and the water carriers to affirm adequate water for domestic purposes.

Stage 3 - Maintain close links with Seqwater and QUU to understand their ongoing ability to provide reserve capacity.

Stage 4 - Evaluate Council activating additional Council controlled extraction points within the Mountain precinct. This would need to consider the current state of the aquifers at that time.

Conclusion

Council is not legally able to restrict the practices of a commercial water extractor with relevant approvals from supplying their off mountain customers to preference local supply only.

There does not appear to be reasonable grounds for Council to consider the reduction in development fees for commercial groundwater extraction as this will not address the current issues being faced by water carriers on Tamborine Mountain.

Options exist should local water supplies become limited in the form of off-mountain water sources and water carriers.

A long term and strategic approach to the groundwater resources on Tamborine Mountain needs to be underpinned by detailed research and understanding of the aquifers and our impacts upon them. Therefore Council's current research partnership with Queensland University of Technology to undertake this important research is critical, which is now in its final year and needs to be completed within the project scope.