

# Operational policy

## Development and infrastructure

### Water extraction from QPWS managed lands

*Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Environmental Protection Agency, (incorporating the Queensland Parks and Wildlife Service). Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### Policy subject

This policy outlines the Queensland Parks and Wildlife Service's (QPWS) position regarding water extraction from its lands.

#### Background

QPWS is one of the largest landholders in Queensland and has riparian rights to extensive water resources.

QPWS also has the right under the *Water Act 2000* to prevent the extraction of water from watercourses, lakes, springs, groundwater and overland flows from its estate by others. In addition, section 62 of the *Nature Conservation Act 1992* (NCA) makes it illegal to take, use, keep or interfere with the natural resources (which includes water) of a protected area unless a licence, permit or authority is given. Section 173P of the NCA allows QPWS to take, use, keep or interfere with natural resources without a licence, permit or authority to administer or achieve the object of the NCA. However, QPWS does not have the authority to sell, harvest or otherwise divert water resources.

Water is extracted from QPWS managed lands for a variety of public and private interest purposes such as road construction, supply to tourist operations, grazing enterprises and adjoining domestic users.

#### Definitions

**Artesian:** water flows from a bore under its own pressure.

**Authorities:** includes leases, agreements, licences, permits or other authorities.

**Piped and capped bores:** water does not flow uncontrolled from a bore under its own pressure and flows through a pipe. This does not mean 'plugged'.

**Water entitlement:** means a water allocation, interim allocation or water licence.

## Policy statement

Regardless of tenure, QPWS **will not allow any new:**

- extraction of water from its lands for primary production purposes
- diversion of water from its lands for re-use unless under an agreement or authority
- re-entry of any domestic wastewater into any body of water, watercourse or spring within its lands
- re-entry of surplus or tail-water from agricultural or industrial enterprise into any body of water, watercourse or spring within its lands.

Where there is **existing** extraction, diversion or re-entry occurring for these purposes, QPWS will review the authorities and consider their sustainability and potential for phase-out.

## Water extraction for use on QPWS managed lands

QPWS extracts water for a number of reasons, including the servicing of campgrounds, day-use facilities, staff accommodation and ranger bases. The preferred strategy for domestic water supply is rainwater tanks. Bores can be used as water sources for management purposes. All existing water extraction infrastructure and the long-term plan for additional water extraction infrastructure, should be identified on the QPWS Strategic Asset Management System (SAMS) with a maintenance program.

## Water extraction for use off QPWS managed lands

QPWS can allow others to access water resources on or under its land by way of a lease or agreement authorised under the *Water Act 2000* (either by a right defined in the legislation or a water entitlement such as a licence, permit or other authority issued under the *Water Act 2000*). The Department of Natural Resources and Water (NRW) issue these authorities.

If a third-party has requested access to water from QPWS managed lands, they should be first directed to the local NRW Office. Discussions between QPWS and NRW should also be conducted as soon as possible to discuss issues and implications associated with such a request. If NRW issues an authority under the *Water Act 2000* which allows for the extraction of water, QPWS has **no** obligation to issue a section 34 or 35 authority under the NCA or an occupation permit under the *Forestry Act 1959* to allow for any infrastructure.

If the intended use of the water is for sustainable public water supply provided by a local authority there must be no viable alternative. In addition, such extraction must meet the assessment, management and monitoring criteria of the relevant legislative instruments (see below). This would include a water entitlement if required by legislation, and compliance with any conditions associated with that entitlement, such as metering of volume extracted and appropriate monitoring/reporting. The water extraction infrastructure on QPWS managed lands would also need approval.

Taking of water for fire fighting generally does not require a water entitlement under the *Water Act 2000*.

## Legislative provisions

### Criteria for national parks, national parks (recovery), conservation parks and resource reserves

Consistent with the management principle of allowing natural process to occur to the greatest possible extent, new authorities for water extraction for private interests from national parks and national parks (recovery) should not be granted. Renewal of existing authorities should only be undertaken after consideration of the above principle, determining the sustainability of the water extraction and ruling out reasonable alternatives.

For a non-compliant previous use on a new national park or national park (recovery), a section 36 previous use authority may be granted and can replace authorities issued under the *Forestry Act 1959* and *Water Act 2000*.

Infrastructure for water extraction in a national park and national park (recovery) requires a section 35 authority under the NCA.

Under the *Nature Conservation (Administration) Regulation 2006*, if infrastructure is not required for the taking of water, a permit to take, use, keep or interfere with cultural or natural resources may be issued for up to one year for protected areas. This permit can only be issued if consistent with the management principles for the area and the interim or declared management plan for the area. An example could be a local authority filling a truck in a protected area to use for the maintenance of an access road outside of a protected area.

Infrastructure for water extraction in a conservation park or resource reserve requires a section 34 authority.

In all circumstances, the suitability of the infrastructure will be tested against the following criteria:

- in the public interest
- no viable alternative
- ecologically sustainable
- preserves the management intent of the land.

Water extraction for use off QPWS managed lands must have approval in-principle granted by the Director-General prior to a section 34 or 35 authority under the NCA being negotiated.

For more information on this process, please refer to the *Information Sheet: Authorities creating an interest in a protected area (sections 34, 35, 36, 37 and 38 of the Nature Conservation Act 1992)*.

### Criteria for State forests, forest reserves and timber reserves

Water is not a forest product under the *Forestry Act 1959*, so a permit is not required for extraction. However, some form of authority may be required to allow access to the water source and any infrastructure for water extraction requires an occupation permit under the *Forestry Act 1959*.

### Standard conditions for piping water

The following should be included in the standard conditions for authorities to extract water from QPWS managed lands:

- the preferred method of transporting extracted water across QPWS managed lands is in above ground polythene piping
- where piping crosses walking tracks and roads/firebreaks they are to be buried to a minimum depth of 300mm
- pipes should not be visible from walking tracks or roads provided this can be achieved with minimal environmental impact
- where regular QPWS prescribed burning is likely to damage a polythene pipe it may be appropriate to bury the pipe, provided the environmental impact is low.

### Adjacent water storages

QPWS will object to the inundation of any part of its estate as a result of any licensed or unlicensed activity that diverts waters away from or onto its lands. QPWS will also object to the taking of water outside the estate, where the taking of that water will impact on the waters within QPWS managed lands. This objection would refer to section 239 of the *Water Act 2000* (a criterion is the impact on natural ecosystems).

### Other matters to consider

On State forests, forest reserves, timber reserves, conservation parks and resources reserves, there may be existing authorities for water extraction by a neighbour for stock and domestic purposes. Renewal of existing authorities should be short-term (less than five years), to encourage an alternative supply strategy to be pursued. Renewal of these authorities will depend on:

- there being no reticulated supply available to the neighbour
- the use of a pump or siphon hose not greater than a pump size of 50mm
- that the volume/flow rate or number of pumps/hoses are agreed to in writing
- such water taken is for immediate daily use, but not diverted or stored on ground for subsequent use (a small closed concrete, plastic or fibreglass tank to maintain daily supply is acceptable, as are water troughs provided that these are in good repair)
- all watering infrastructure (with the exception of the pump and pipeline) is on the neighbour's property and **fenced** from QPWS managed lands
- if the water is not for domestic purposes, there is a boundary fence between the neighbour and QPWS
- QPWS having free access to the raw water from the extraction equipment for its own purposes at all times (QPWS would not expect free access to treated water from a reticulated supply system under this provision)
- the permittee maintains all the extraction equipment at all times.

### References

*Checklist: Issue of authorities under s34 of the Nature Conservation Act.*

*Checklist: Issue of authorities under s35 of the Nature Conservation Act.*

*Guideline: Applying for an interest in a protected area (sections 34, 35, 36, 37 and 38 of the Nature Conservation Act 1992).*

*Information Sheet: Authorities creating an interest in a protected area (sections 34, 35, 36, 37 and 38 of the Nature Conservation Act 1992).*

*Information Sheet: Issue of authorities under s34 of the Nature Conservation Act.*

*Operational Policy: No reasonably practicable alternative – s35 NC Act.*

*Operational Policy: Public interest – s35 NC Act.*

*Procedural Guide: Assessing applications for interests in protected areas (sections 34 to 38 of the Nature Conservation Act 1992).*

*Procedural Guide: Issue of authorities under s34 of the Nature Conservation Act.*

*Procedural Guide: Issue of authorities under s35 of the Nature Conservation Act.*

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**Approved By**

Alan Feely	12 January 2007
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Signature

Date

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