

Code for self-assessable development of replacement bores

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Version history

Version	Date	Comment
1	31/03/2006	First version endorsed.
1.1	12/04/2007	New Policy Register template.
1.2	07/07/2008	Metadata updated and other minor amendments, including change department name from Department of Natural Resources, Mines and Water to Department of Natural Resources and Water
2	16/12/2010	Make changes associated with change from the Integrated Planning Act 1997 (Qld) to the Sustainable Planning Act 2009 (Qld), change departmental name from Departmental Natural Resources and Water to Qld Department Environment and Resource Management, ensure consistency with other codes. Ensure that the original date of release is listed in the version history table.
2.1	21/12/2010	Correct hyperlink to section titled '3. Scope of code'

Executive Summary

1. Introduction

This code applies to the construction of a replacement of a subartesian water bore to replace an original subartesian water bore that has been made self-assessable development.

Under Schedule 3, part 2 of the Sustainable Planning Regulation 2009 (Qld) (SP Regulation) construction of a replacement subartesian water bore is self-assessable if the operations are mentioned as self-assessable development in a water resource plan, a wild river declaration or prescribed as self-assessable development under a regulation (water regulation) under the *Water Act 2000* (Qld) (Water Act) and if the original bore was previously authorised by a development permit issued under the *Sustainable Planning Act 2009* (Qld) (SPA) or a development permit taken to exist by the operation of section 1048A of the *Water Act 2000* (Qld) (a 'deemed development permit'), to take water under an authority given under the Water Act.

Works that are self-assessable development do not require a development permit. A person may construct a self-assessable replacement bore without approval provided the works comply with this code.

Note: Works constructed under this code may require other approvals. Refer to section titled '4. Other legislative responsibilities'.

Purpose

2. *Purpose of code*

The purpose of this code is to ensure construction of self-assessable replacement bores are:

- constructed in a way that protects the aquifers that the bore intersects or taps
- consistent with any associated authority to take or interfere with underground water
- constructed in a way that prolongs their productive life to the benefit of the bore users.

The code also ensures that the replaced original bore is decommissioned in accordance with the minimum construction standards. See section titled '5.2 Minimum construction standards'.

3. *Scope of code*

This code applies to replacement bores constructed to take subartesian water under an authority given under the Water Act but only to the extent the works are identified as self-assessable development in a water resource plan, a wild river declaration or a water regulation. Details of specific subartesian areas and water resource plan areas to which this code applies may be obtained from the local office of the department or may be viewed on the department's website <<http://www.water/declaredareas/regulated-groundwater.html>> .

This code removes the requirement for a person to obtain a development permit before a replacement subartesian bore may be constructed. By complying with this code a person need not make application for approval for replacement works because the conditions of approval, including the location of the water bore, have previously been dealt with when the original bore development was approved and the construction of the replacement bore will comply with those conditions.

The code applies only if the original bore is to be decommissioned and is truly replaced. If it is not intended to decommission the original bore this code does not apply, and a development permit will be required to authorise the construction of the new water bore, regardless of whether the bore owner considers it to be a 'replacement' for the original bore.

Standard

4. ***Other legislative responsibilities***

A person constructing a replacement bore under this code must also ensure they comply with any other relevant state and federal laws including, but not limited to:

- *Aboriginal Cultural Heritage Act 2004* (Qld)—this Act places an obligation on people to take all reasonable and practicable measures to ensure an activity they are undertaking does not harm aboriginal cultural heritage.
- *Vegetation Management Act 1999* (Qld)—this Act places limitations on the clearing of native vegetation. A landholder must ensure they have any necessary permits prior to clearing a site for the construction of a replacement bore.
- Other provisions of the *Water Act 2000* (Qld) relating to resource entitlements and water bore drilling, including:
 - the requirement that only licensed water bore drillers are allowed to construct water bores that are deeper than six metres, and
 - any moratorium on the construction of water bores that might be in place.
- *Wild Rivers Act 2005* (Qld)—wild rivers declarations under this Act can place limitations on the construction of bores in declared subartesian areas within the wild river area. Construction of a bore in a wild river area must comply with the limitations on bores that apply in the area.
- Local government planning schemes.

5. ***Mandatory requirements***

Self-assessable development constructed under this code must comply with this code. It is an offence under section 574 of the *Sustainable Planning Act 2009* (Qld) for a person to construct works that do not comply with this self-assessable code (maximum penalty – 165 penalty units).

5.1 **Notification of works**

The owner of land on which a replacement bore is constructed must notify the local office of the department of the construction details of the works within 60 business days of completion of the works which includes decommissioning of the original bore.

Notification must consist of a completed copy of the form in Attachment 1 of this code.

5.2 **Minimum construction standards**

Construction of a replacement bore must be carried out in accordance with the Land and Water Biodiversity Committee 2003 and National Minimum Bore Specifications Committee 2003, Minimum construction requirements for water bores in Australia <http://www.nrw.qld.gov.au/water/management/bores/aust_standards.html> , 2nd edition, Department of Natural Resources, Mines and Energy, Brisbane.

Subartesian water bores intersecting the sediments of artesian basins are required to also comply with the Department of Environment and Resource Management 2010, Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland <<http://www.derm.qld.gov.au/water/management/pdf/bore-min-standards.pdf>> , DERM, Brisbane.

5.3 Comply with additional requirements of the original approval

The replacement bore must be constructed in accordance with the requirements of the approval under which the original bore was constructed, but only to the extent that these requirements exceed the minimum construction standards in respect of

- a maximum or minimum diameter for either the borehole or its casing
- a minimum depth of casing
- a minimum depth and/or thickness of grout to seal the annular space in the bore.

5.4 Location and depth

A replacement bore must be constructed:

- within 10 metres of the original bore
- to a depth no greater than the depth of the original bore
- to tap only one aquifer.

5.5 Licensed driller

The construction of water bores deeper than 6 metres must be carried out by a person who holds a Queensland water bore driller's licence issued under the *Water Act 2000* (Qld). The landowner must provide the driller with a copy of the development permit, or the authorisation details of the deemed development permit, for the original bore before construction of a replacement bore under this code may commence. A licensed water bore driller must decommission the original bore within 60 business days of completion of the replacement bore, in accordance with the minimum construction standards.

Definitions

Aquifer means a geological formation or part of a geological formation capable of transmitting and yielding water.

Bore means a subartesian water bore and may include a shaft, well, gallery, spear or excavation, and any works constructed in connection with the shaft, well, gallery, spear or excavation, that taps an aquifer and the water does not and never has flowed naturally to the surface.

Completion of a water bore in the context of this code means construction and equipping of a water bore such that it is capable of delivering water.

Deemed development permit means a development permit taken to exist by the operation of section 1048A of the *Water Act 2000* (Qld).

Original bore means a water bore constructed in accordance with a development permit issued under the *Sustainable Planning Act 2009* (Qld), or a development permit taken to exist by the operation of section 1048A of the *Water Act 2000* (Qld), used to take water under an authority given under the *Water Act 2000* (Qld).

Owner, for the purpose of this code, means:

- the registered proprietor of the land
- the lessee or licensee of the land under the *Land Act 1994* (Qld)
- the trustee of a reserve over the land or the holder of a permit to occupy the land under the *Land Act 1994* (Qld)
- the lessee of the land under a registered lease under the *Land Title Act 1994* (Qld)
- the holder of a mineral development licence or mining lease under the *Mineral Resources Act 1989* (Qld)
- the holder of a geothermal exploration permit under the *Geothermal Exploration Act 2004* (Qld)
- the plantation licensee of a plantation licence under the *Forestry Act 1959* (Qld)
- the holder of a petroleum tenure under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld) or *Petroleum Act 1923* (Qld)
- the person or body of persons who, for the time being, has lawful control of the land, on trust or otherwise
- the person who is entitled to receive the rents and profits of the land.

Replacement bore means a water bore constructed to replace an original bore to take subartesian water under an authority given under the *Water Act 2000* (Qld).

Subartesian area is an area declared to be a subartesian area in accordance with the provisions of section 1046 of the *Water Act 2000* (Qld). Generally, within these areas a water licence is required to take or interfere with subartesian water.

Water resource plan means a plan approved under section 50(2) of the *Water Act 2000* (Qld).

Attachments

Attachment 1 W2F081 Notification form self-assessable subartesian water bore
<attachments/form-w2f081-sa-subart-water-bore.pdf>