



**Queensland
Government**
Natural Resources
and Water

**Code for Self-assessable Development for
Taking Overland Flow Water
to Satisfy the Requirements
of an Environmental Authority
or a Development Permit
for Carrying Out an
Environmentally Relevant Activity**

Approved:

A handwritten signature in black ink, appearing to read 'Graeme Milligan', is written over a light grey rectangular background.

Date: 07/08/2007

Graeme Milligan
General Manager, Water Accounting and Management

1. SUMMARY

This Code applies to operational works that take ‘overland flow water’¹ to satisfy the requirements of an environmental authority or a development permit for carrying out an environmentally relevant activity (ERA) that have been made self-assessable development.

Under the Schedule 8, Part 2 of the *Integrated Planning Act 1997*, operational works that allow the taking of overland flow water are self-assessable development if the operations are mentioned as self-assessable development under a water resource plan, a wild river declaration or prescribed under a regulation.

Works that are self-assessable development do not require a development permit. The holder of an environmental authority or development permit for carrying out an ERA may construct works for taking overland flow water under this Code without a development permit provided the works are necessary to satisfy the requirements of an environmental authority or a development permit for carrying out an ERA.

NOTE: Works constructed under this Code may require other approvals. Refer to Part 4 of this Code – Other Legislative Responsibilities.

2. THE PURPOSE OF THIS CODE

The purpose of this Code is to ensure that operational works that take overland flow water to satisfy the requirements of an environmental authority or a development permit for carrying out an ERA will be:

- consistent with the objectives of the applicable water resource plan or wild river declaration
- constructed to, as far as practicable, minimise impact of the works on overland flow water with regard to neighbouring properties and users of overland flow water in lower parts of the catchment
- consistent with a person’s authority to take overland flow water.

For works constructed under this Code, the authority to take overland flow water is provided by a water resource plan, a wild river declaration, or prescribed under a regulation, which allows the take of overland flow water of not more than the amount necessary to satisfy the requirements of:

- (a) an environmental authority for a mining activity or petroleum activity issued under the *Environmental Protection Act 1994* or
- (b) a development permit for carrying out an ERA, other than a mining activity or petroleum activity, under the *Environmental Protection Act 1994*.

3. SCOPE OF CODE

This Code applies in those areas where a water resource plan, a wild river declaration or a regulation provides for operational works that take overland flow water to satisfy the requirements of an environmental authority or a development permit for carrying out an ERA, to be self-assessable development.

¹ Refer to Section 7 of this Code - Definitions

Operational works that take overland flow water include:

- (a) storages, sumps, drains, embankments, channels, pipes and pumps for taking, or that can be used for taking, overland flow water;
- (b) storages that are connected to the works mentioned in paragraph (a); and
- (c) works that make, or that can be used to make, the original connection between the storages mentioned in paragraph (b) and the works mentioned in paragraph (a).

This Code applies only to operational works necessary to take overland flow water that may be contaminated as a result of operations carried out under the authority of an environmental authority or a development permit for carrying out an Environmentally Relevant Activity (ERA).

An environmental authority or development permit for carrying out an ERA provides an indication of the extent of the take of water, including overland flow water, required to minimise potential adverse environmental impacts and must be held before construction of works under this Code may commence.

This Code does not apply to:

- overland flow works where the storage associated with the works is of a greater volume than the maximum volume specified in, or necessarily required by, the relevant environmental authority or development permit for an ERA
- overland flow works that take tailwater or contaminated agricultural runoff. (Please note that contaminated agricultural runoff does not include contaminated overland flow water that results from the operation of an ERA.)

4. OTHER LEGISLATIVE RESPONSIBILITIES

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

- *Vegetation Management Act 1999* – 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 new storage;
- *Environmental Protection Act 1994* – this Act places obligations on landholders in respect of ensuring that their actions do not result in harm to the environment;
- *Aboriginal Cultural Heritage Act 2004* – 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;
- *Wild Rivers Act 2005*;
- Other provisions of the *Water Act 2000*; and
- Local government planning schemes.

5. MANDATORY REQUIREMENTS

Consistent with the *Integrated Planning Act 1997* (IPA), a person must comply with this Code when carrying out self-assessable development. Failure to do so is a breach of this Code and is an offence under the IPA.

5.1.1 Notification of Works (non-mining activities)

- a) The owner of the land on which the works are located must notify the local office of the Department of Natural Resources and Water of the location and capacity of works constructed under this code within 30 business days of completing construction of the works.
- b) The notification of works under this section must consist of:
 - i) a completed copy of the form in Attachment 1 of this Code; and
 - ii) a copy of the relevant development permit for an ERA

5.1.2 Notification of works (mining activity or petroleum activity)

- a) The holder of an environmental authority (mining activity or petroleum activity) must notify the local office of the Department of Natural Resources and Water of the location and capacity of the first works constructed under this Code within 30 business days of completing construction of the works.
- b) The first notification under (a) must also include the approximate location and capacity of works intended to be constructed under this Code in the following 12 months.
- c) At the first and subsequent anniversaries of the first notification, the holder of the environmental authority must notify the Department of Natural Resource and Water of:
 - (i) works that were constructed under this Code in the 12 months since the last notification;
 - (ii) the approximate location and capacity of proposed works that the holder of the environmental authority intends to construct under this Code over the next 12 months.
- d) Notification of works under this section must consist of a completed copy of the form in Attachment 1 of this Code and be accompanied by a copy of the approved environmental authority for the mining activity or petroleum activity.

5.2 Limitation on storage volume

Works constructed under this Code must not take more overland flow water than the amount necessary to satisfy a requirement of an environmental authority or development permit for carrying out an ERA.

For example, where it is the requirement of an environmental authority or a development permit for an ERA to contain a minimum of 10ML of contaminated runoff water on the site, the capacity of the associated overland flow works must be in accordance with this requirement.

5.3 Purposes water may be used for

Overland flow water that has been taken using works constructed in accordance with this Code may be used for any purpose.

For example, where water is taken in mining related sediment control works, this water could then be used for dust suppression or other mine related purposes.

6. PERFORMANCE REQUIREMENTS

The table below specifies performance requirements that must be satisfied. For each of these requirements, an acceptable solution is provided. If these acceptable solutions are satisfied, the performance requirements will be considered to be satisfied. Failure to meet the performance requirements is a breach of this Code and is an offence under the IPA.

Performance Requirements	Acceptable Solutions
<p>A) Physical impacts of overland flow works on neighbouring properties are to be minimised.</p>	<p>A1 The overland flow works are contained within the property, mining tenement or petroleum authority boundaries.</p> <p>A2 At full supply level the area inundated is contained within the property, mining tenement or petroleum authority boundaries.</p> <p>A3 Any bywash resulting from the works exits the property as close as practicable to the location that the water exited the property prior to commencement of the works.</p>

7. DEFINITIONS

This part defines particular words or phrases used in this Code.

Bywash means water that is diverted from a dam or reservoir and is usually associated with a pipe or other structure to prevent uncontrolled overtopping.

Environmental authority means an environmental authority under chapter 4A (petroleum activity) or chapter 5 (Mining activity) of the *Environmental Protection Act 1994*.

Environmental authority holder means the holder of an environmental authority under chapter 4A (petroleum activity) or chapter 5 (mining activity) of the *Environmental Protection Act 1994*.

Environmentally relevant activity or **ERA** means an activity prescribed under section 19 of the *Environmental Protection Act 1994* as an environmentally relevant activity. Section 19 states that a regulation may prescribe an activity, other than a mining activity, as an environmentally relevant activity if the Governor in Council is satisfied:

- (a) a contaminant will or may be released into the environment when the activity is carried out; and
- (b) the release of the contaminant will or may cause environmental harm.

Holder of an environmental authority for a mining activity or petroleum activity includes, for the purposes of notification under this Code, subsequent holders of the environmental authority.

Mining activity means an activity as defined by section 147(2) of the *Environmental Protection Act 1994* that, under the *Mineral Resources Act 1989*, is authorised to take place on—

- (a) land to which a mining tenement relates; or
- (b) land authorised under that Act for access to land mentioned in paragraph (a).

Overland flow water

1. *Overland flow water* means water, including floodwater, flowing over land other than in a watercourse or lake—

- (a) after having fallen as rain or in any other way; or
- (b) after rising to the surface naturally from underground.

2. *Overland flow water* does not include—

- (a) water that has naturally infiltrated the soil in normal farming operations, including infiltration that has occurred in farming activity such as clearing, replanting and broadacre ploughing; or
- (b) tailwater from irrigation if the tailwater recycling meets best practice requirements; or
- (c) water collected from roofs for rainwater tanks.

Petroleum activity means a petroleum activity as defined under section 77(1) of the *Environmental Protection Act 1994*.

Registered operator means the holder of a registration certificate, for a chapter 4 activity (an environmentally relevant activity other than a mining or petroleum activity), issued under section 73F of the *Environmental Protection Act 1994* and in force.

Water resource plan means the water resource plan for the area to which the notification relates.

ATTACHMENT 1: NOTIFICATION FORM

Purpose of this Form

For notifying works constructed under the *Code for Self-assessable Development for Taking Overland Flow Water to Satisfy the Requirements of an Environmental Authority or a Development Permit for Carrying Out an ERA*.

PART 1. Registered operator or holder of the environmental authority details

1.1 Name(s) *Specify the full name of all environmental authority holders or registered operators of the ERA*

1.2 Mailing Address *Any correspondence will be delivered to this address*

State Postcode Country (*if not Australia*)

1.3 Contact Person's Details

(if different from above) Title Mr Mrs Ms Miss Other please specify

Name

Preferred Phone Alternate Phone Facsimile

PART 2. Details of approvals for the Environmentally Relevant Activity

(under the Environmental Protection Act 1994 and Integrated Planning Act 1997)

Development Permit / Environmental Authority number: Date of approval:

ERAs approved: *(ERA number and short title)*

1.	
2.	
3.	

A copy of the approved Environmental Authority or Development Permit is attached *(please tick)*
 (Please note that failure to do so will not meet the requirements of this code).

PART 3. Description of Land

(Specify the Lot on Plan description, mining tenement or petroleum authority details of the land on which the works are located)

Lot on Plan or mining tenement, petroleum authority details

Applicable Water Resource Plan area

PART 4. Details of works constructed (non-mining ERAs)

Works N°/ ID	Purpose of works	Capacity of works (Megalitres, ML)	Construction date
<input style="width: 40px;" type="text"/>			
<input style="width: 40px;" type="text"/>			
<input style="width: 40px;" type="text"/>			

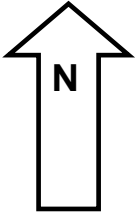
PART 5. Layout of works on property (Non-mining ERAs)

Include a plan showing:

1. the location of all overland flow works including overland flow works constructed under the Code;
2. property boundaries, Lot/Plan descriptions;
3. watercourses and overland flow paths; and
4. each dam/storage, pump or other works included on the plan should be numbered.

Features such as channels, drains and levees that direct water from an overland flow path into a dam/storage should also be included.

This plan should only reflect the actual linkages that exist between various infrastructure components and should be made in black ink so this it is suitable for electronic scanning.



Contact details for further information, or address to return the completed notification form to:

Ayr

Little Drysdale Street
PO Box 591
AYR Q 4807
Ph: 07 4761 2223
Fax: 07 4761 2211

Blackall

Court House
Shamrock Street
PO Box 288
BLACKALL Q 4472
Ph: 07 4657 4813
Fax: 07 4657 4908

Bundaberg

16-32 Enterprise Street
PO Box 1167
BUNDABERG Q 4670
Ph: 07 4131 5845
Fax: 07 4131 5896

Emerald

99 Hospital Road
PO Box 19
EMERALD Q 4720
Ph: 07 4987 9300
Fax: 07 4987 9333

Gatton

Gatton Research Station
Warrego Highway
Locked Mail Bag 1009, MS 437
GATTON Q 4343
Ph: 07 5466 222
Fax: 07 5466 2282

Goondiwindi

24-26 McLean St,
Locked Bag 4
GOONDIWINDI Q 4390
Ph: 07 4671 6100
Fax: 07 4671 3163

Gympie

27 O'Connell Street
Locked Bag 383
GYMPIE Q 4570
Ph: 07 5480 5316
Fax: 07 5480 5302

Ingham

Halifax Road
PO Box 1293
INGHAM Q 4850
Ph: 07 4777 2822
Fax: 07 4777 2863

Longreach

Landsborough Highway
PO Box 210
LONGREACH Q 4730
Ph: 07 4650 1900
Fax: 07 4650 1902

Mackay

22-30 Wood Street
PO Box 63
MACKAY Q 4740
Ph: 07 4967 0995
Fax: 07 4957 3747

Mareeba

167 Walsh Street
PO Box 156
MAREEBA Q 4880
Ph: 07 4048 4850
Fax: 07 4092 2366

Rockhampton

209 Bolsolver Street
PO Box 1762
ROCKHAMPTON Q 4700
Ph: 07 4938 4600
Fax: 07 4927 3079

St George

126 Alfred Street
PO Box 310
ST GEORGE Q 4487
Ph: 07 4625 3299
Fax: 07 4625 3892

Toowoomba

203 Tor St
PO BOX 318
TOOWOOMBA Q 4350
Ph: 07 4688 1000
Fax: 07 4688 1188

Townsville

187-209 Stanley Street
PO Box 5318
TOWNSVILLE Q 4810
Ph: 07 4799 7314
Fax: 07 4799 7971

Warwick

Cnr Guy and Fitzroy Streets
PO Box 2
WARWICK Q 4370
Ph: 07 4661 0200
Fax: 07 4661 5215

Woolloongabba

Landcentre Floor 3
Cnr Main & Vulture Sts
PO Box 1653
COORPAROO DC
Q 4151
Ph: 07 3224 7676
Fax: 07 3224 2933