

Code for Self-assessable Development of Replacement Bores



Approved:

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Graeme Milligan
General Manager, Water Management and Use

Code for Self-assessable Development of Replacement Bores

1. INTRODUCTION

This code applies to the construction of a replacement subartesian water bore to replace an original subartesian water bore, if:

- (1) the construction of the replacement bore is identified in a water resource plan or by a regulation as being self-assessable development; and
- (2) the original bore was previously authorised by a development permit issued under the *Integrated Planning Act 1997* or a development permit taken to exist by the operation of section 1048A of the *Water Act 2000* (a ‘deemed development permit’), to take water under an authority given under the *Water Act 2000*.

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. Non-compliance with this Code is an offence under the *Integrated Planning Act 1997* and may lead to penalties.

Under this Code a replacement bore must be constructed:

- (a) within 10 metres of the original bore; and
- (b) to a depth no greater than the depth of the original bore;

provided always that the original bore is to be decommissioned.

An ‘original bore’ is defined under section 6 Definitions of this Code and in summary is a water bore constructed in accordance with a development permit issued under the *Integrated Planning Act 1997*, or a deemed development permit, to take water under an authority given under the *Water Act 2000*.

If works to replace assessable works cannot be constructed in accordance with this Code, then the replacement works are assessable development and a development permit must be obtained prior to constructing the works.

2. THE PURPOSE OF THIS CODE

The purpose of this Code is to define the requirements for constructing self-assessable replacement bores. These requirements ensure that such water 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.

3. SCOPE OF THE CODE

This Code applies to replacement bores constructed to take subartesian water under an authority given under the *Water Act 2000* but only to the extent the works are identified as self-assessable development under a water resource plan or by a 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 of

Natural Resources, Mines and Water or may be viewed on the Department's website at: <http://www.nrm.qld.gov.au/water/declaredareas/declaredsubartesian.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.

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:

- *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 replacement bore;
- Other provisions of the *Water Act 2000* 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* – 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;
- *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; and
- Local Authority Planning Schemes.

5. MANDATORY REQUIREMENTS

A person constructing works under this Code must comply with these requirements. Failure to do so is a breach of this Code and is an offence under the *Integrated Planning Act 1997*.

5.1 Minimum Construction Standards

- (a) Construction of a replacement bore must be carried out in accordance with the "[Minimum construction requirements for water bores in Australia](#)"; and
- (b) Subartesian water bores intersecting the sediments of artesian basins are required to also comply with the "[Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland](#)". The driller's notification requirements set out in this standard must be complied with.

5.2 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.

5.3 Location and depth

A replacement bore must be constructed:

- a) within 10 metres of the original bore; and
- b) to a depth no greater than the depth of the original bore.

5.4 Notification of Works

a) The owner of land on which a replacement bore is constructed must notify the local office of the Department of Natural Resources, Mines and Water of the constructed details of the works within 60 business days of completion of the works which includes decommissioning of the original bore.

b) Notification must consist of a completed copy of the form in Schedule 1 of this Code.

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*.

5.6 Cross-contamination

A replacement water bore must be constructed to tap only one aquifer.

5.7 Supply copy of development permit to driller

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.

5.8 Decommission the original bore

Within 60 business days of completion of the replacement bore the original bore it replaces must be decommissioned by a licensed water bore driller in accordance with the Minimum Construction Standards.

6. DEFINITIONS¹

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

Bore means a subartesian water bore.

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*.

Minimum Construction Standards

1. For subartesian water bores that do not intersect the sediments of an artesian basin this means the “Minimum construction requirements for water bores in Australia”²;
2. For subartesian water bores that do intersect the sediments of artesian basins this means the “Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland”

For construction matters, this refers to the edition of the above documents current at the time of construction of the water bore.

For decommissioning matters, this refers to the edition of the above documents current at the time of decommissioning of the water bore.

Original bore means a water bore constructed in accordance with a development permit issued under the *Integrated Planning Act 1997*, or a development permit taken to exist by the operation of section 1048A of the *Water Act 2000*, used to take water under an authority given under the *Water Act 2000*.

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*

Subartesian Area is an area declared to be a subartesian area in accordance with the provisions of section 1046 of the *Water Act 2000*. 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*.

¹ These definitions have been developed for the purpose of this Code.

² Copies available from the Department of Natural Resources, Mines and Water

SCHEDULE 1: NOTIFICATION FORM

Form for notifying the Department of Natural Resources, Mines and Water about a self-assessable replacement subartesian water bore.

Purpose of this Form

To allow landowners to notify NRMW of self-assessable works (replacement bores) constructed to take subartesian water under an authority given under the *Water Act 2000*.

1. PART A Owner Details

1.1 Name *Specify the full name(s) of all registered owners of the land. (Attach details of additional owners on a separate sheet if insufficient space)*

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

2. PART B Description of Land

Lot on Plan

Specify the Lot and Plan numbers of the land on or adjacent to which the works are located

3. PART C Works Details

Original bore approval (the bore that has been replaced)

Development Permit No. of original bore

Works No.

Associated water entitlement No.

4. PART D

Decommissioning of Original Bore

Details of decommissioning of the original water bore	Date original bore was decommissioned <input type="text" value="/ /"/>
	Name of driller who decommissioned the bore <input type="text"/>
	Driller's Licence No. <input type="text"/>

OFFICE USE ONLY *(applicable to assessment manager)*

DATE RECEIVED		REFERENCE NUMBER/S	
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