

**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**

**WSS/2013/668**

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## Version History

Version	Date	Comments
1.00	07/08/2007	New
1.01	07/07/2008	Update metadata (to current, digital)
2.00	05/08/2010	Make changes associated with change from the Integrated Planning Act 1997 to the Sustainable Planning Act 2009, change departmental name from Departmental Natural Resources and Water to QLD Department Environment and Resource Management, and ensure consistency with other codes.
3.00	26/07/2011	Amendments include: some references to wild rivers declaration removed, minor update to Executive summary and ensure that legislative references are correct.
3.01	28/02/2014	Updated departmental references. Inserted geothermal activity for the purposes of environmentally relevant activities and the Environmental Protection Act 1994. Amended responsibilities and definitions sections.  Policy ID number changed from WAM/2007/3195 to WSS/2013/668.
3.02	01/07/2016	Updated departmental template.
3.03	06/12/2016	Section references updated to be consistent with changes from the Water Reform and Other Amendment Act 2014
3.04	03/07/2017	Amendments associated with implementation of the <i>Planning Act 2016</i> (replaced <i>Sustainable Planning Act 2009</i> on 3 July 2017).

## Approval

Position	Name	Date
Director, Operations Support (Water)	Ian Gordon	03/07/2017

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## 1 Development to which this code applies

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).

This code applies where the operational works for the taking of overland flow water are identified as self-assessable development in a water plan, or the Water Regulation 2016 (Water Regulation).

An environmental authority or development permit for carrying out an ERA must be held before construction of works under this code may commence.

## 2 Purpose

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 the Water Regulation
- 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.

## 3 Scope

The take of overland flow water must not be more than the amount necessary to satisfy the requirements of:

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

Operational works that take overland flow water include:

- c) storages, sumps, drains, embankments, channels, pipes and pumps for taking, or that can be used for taking, overland flow water
- d) storages that are connected to the works mentioned in paragraph (a)
- e) 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 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 tail water 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 Notification of works

### 4.1 Notification of works (non-mining activities)

- The holder of a development permit for an ERA must notify the local department office of the location and capacity of works constructed under this code within 60 business days of completing construction of the works.
- The notification of works under this section must consist of a:
  - completed copy of the 'Notification form self-assessable works to take overland flow water environmentally relevant activity' (form W2F083) available on the department's website at [www.business.qld.gov.au](http://www.business.qld.gov.au)
  - copy of the relevant development permit for an ERA.

### 4.2 Notification of works (geothermal activity, mining activity, greenhouse gas storage activity or petroleum activity)

- The holder of an environmental authority (a geothermal activity, a mining activity, greenhouse gas storage activity or petroleum activity) must notify the local departmental office of the location and capacity of the first works constructed under this code within 60 business days of completing construction of the work.
- 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.
- At the first and subsequent anniversaries of the first notification, the holder of the environmental authority must notify the department of:
  - works that were constructed under this code in the 12 months since the last notification
  - 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

Notification of works under this section must consist of a:

- completed copy of the 'Notification form self-assessable works to take overland flow water environmentally relevant activity' (form W2F083) available on the department's website at [www.business.qld.gov.au](http://www.business.qld.gov.au)
- copy of the approved environmental authority for the mining activity, greenhouse gas storage activity or petroleum activity.

### 4.3 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 10 megalitres of contaminated runoff water on the site, the capacity of the associated overland flow works must be in accordance with this requirement.

### 4.4 Purposes for which water may be used

Overland flow water that is being 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.

### 4.5 Performance outcomes

Table 1 below specifies the performance outcomes that must be satisfied. The performance outcomes of the code will be satisfied the acceptable outcomes are adopted.

**Table 1: Performance Outcomes and acceptable outcomes**

<b>Performance outcomes</b>	<b>Acceptable outcomes</b>
Physical impacts of overland flow works on neighbouring properties are minimised	<ul style="list-style-type: none"><li>• The overland flow works are contained within land subject to the ERA.</li><li>• At full supply level the area inundated is contained within the property boundaries.</li><li>• Any bywash resulting from the overland flow works, and any water diverted away from contaminated areas, exits the property as close as practicable to the same location as which it exited the property prior to construction of the works.</li></ul>

### 4.6 Other legislative requirements

A person constructing works that take overland flow water under this code must also ensure they comply with any other relevant state and federal laws.

## 5 Definitions

An **activity** is an agricultural ERA if defined by section 75 of the *Environmental Protection Act 1994*.

**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 5 of the *Environmental Protection Act 1994* for:

- a. a geothermal activity
- b. a greenhouse gas storage activity
- c. a mining activity
- d. a petroleum activity.

**Environmental authority holder** means the holder of an environmental authority under chapter 5 of the *Environmental Protection Act 1994*.

**Environmentally relevant activity** or ERA means an activity prescribed under section 18 of the *Environmental Protection Act 1994* and includes:

- a. an agricultural ERA
- b. a geothermal activity
- c. a greenhouse gas storage activity
- d. a mining activity
- e. a petroleum activity
- f. another activity prescribed under section 19 of the *Environmental Protection Act 1994* as an environmentally relevant activity.

**Overland flow** water is defined in the *Water Act 2000*.