Environmentally Relevant Activity Code for Petroleum Activities or Greenhouse Gas storage activities on a Data Acquisition Authority

This code includes the conditions a person must comply with under Section 551A of the Environmental Protection Act 1994 to undertake code-managed ERAs for Data Acquisition Authority *activities for the purposes of the Petroleum and Gas (Production and Safety) Act 2004 and the Greenhouse Gas Storage Act 2009.*

This Environmentally Relevant Activity (ERA) Code has been developed under Section 551A of the *Environmental Protection Act 1994* (EP Act) and includes the conditions a person must comply with code-managed ERA X – Petroleum Activity on a Data Acquisition Authority or Code-managed ERA XX – GHG storage activity on a data acquisition authority.

A summary of these code-managed ERAs is provided below. The full definitions for these activities are in Schedule 3A of the Environmental Protection Regulation 2019.

Code-managed ERA X – Petroleum activity on a data acquisition authority or Code-managed ERA XX – Greenhouse gas storage activity on a data acquisition authority		
Tenure Description	Legislation:	*Greenhouse Gas Storage Act 2009* *Petroleum and Gas (Production and Safety) Act 2004*
	Tenement Type:	Data Acquisition Authority
Activity	Data Acquisition Activities	
Activity Location	Statewide	
Activity Operations	The activity will not result in: a) the total area of significant disturbance from the activities exceeding 5 hectares	

A person who is carrying out the activity under this ERA code must not contravene the code. Failure to comply with this ERA code is an offence under the EP Act.

If you are carrying out an activity on a Data Acquisition Authority but cannot meet the definition of one of the relevant code-managed ERAs or are unable to comply with the conditions of this ERA Code, you must obtain an environmental authority (EA) prior to commencing the activity. Under section 426 of the EP Act, it is an offence to carry out an ERA, other than a code-managed ERA, without an EA.

Mandatory Conditions

Note: Defined terms in this document are underlined the first time they appear, and their definitions are provided in Appendix 1.

A	**General**
A1	Unless otherwise permitted under the conditions of this code, contaminants must not be released directly or indirectly to land, air or waters.
A2	Data acquisition activities that require clearing of native woody vegetation are not permitted.
A3	Seismic surveys, other than low impact seismic surveys, are not permitted.
B3	Activities that require earthworks and/or placing fill, other than that associated with the construction of linear infrastructure, are not permitted:

	a. in, or within 200 metres of, any wetland, lake or spring; or b. in, or within 100 metres of, the outer bank of any other watercourse.
B4	Activities that will result in significant disturbance to a watercourse must be conducted in accordance with the following order of preference: a. Firstly, in times where there is no water present. b. Secondly, in times of no flow. c. Thirdly, in times of flow, but in a way that does not impede low flow.
B5	Activities within a waterway providing for the passage of fish must maintain a flow path and fish passage.
B	**Waste**
B1	Waste, including waste fluids, must be transported off-site for lawful re-use, remediation, recycling or disposal.
C	**Activities**
C1	Erosion and sediment control measures must be implemented to prevent the release of sediment from disturbed areas.
C2	Chemicals and fuels must be stored in, or serviced by, an effective containment system meeting relevant Australian Standards.
D	**Rehabilitation**
D1	Significantly disturbed areas no longer required for activities must be rehabilitated within six months.
D2	Rehabilitation works must be completed so that: a) any infrastructure is removed, unless agreed to in writing by the landholder to remain; b) the disturbed areas are reshaped to a stable landform; c) surface drainage lines are re-established; d) topsoil is reinstated; and e) the land is revegetated to be consistent with the surrounding undisturbed land.
D3	All areas disturbed by the activity on the data acquisition authority must be rehabilitated before – a) the tenure expires; or b) the tenure is surrendered.

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General Obligations

In addition to the requirements found in the conditions of this ERA code, you must also meet your obligations under the EP Act, and the regulations made under the Act. For example, you must comply with the following provisions of the Act:

- the general environmental duty (section 319), including special provision for activities involving industrial chemicals (section 319A)
- duty to notify environmental harm (section 320-320G)
- duty to restore the environment (section 319C).

Unless specifically authorised by a condition of this ERA code, this ERA code does not authorise:

- an act that causes serious or material environmental harm (sections 437 – 439) or an environmental nuisance (section 440)
- an act that contravenes a noise standard (section 440Q)
- a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG of the EP Act, or
- placing a contaminant where environmental harm or nuisance may be caused (section 443).

For more information search 'operating under an ERA code' on the Business Queensland webpage (www.business.qld.gov.au).

Relationship with other legislation

This Code does not remove, replace, or limit the need to comply with any other applicable legislation. This Code does not authorise the take of water and does not remove the requirement to obtain any approvals required under the *Water Act 2000*.

References to other documents

References in this document to laws, regulations, standards, policies, programs, guidelines and similar documents and instruments are to the current version of those documents and instruments, as amended or replaced from time to time.

Appendix 1: Definitions

Where a word or phrase in this document is defined in the table of definitions (below) it has its corresponding meaning. Where a word or phrase in this document is not defined in the table of definitions, it has the meaning given to it in (in order of priority):

- the *Environmental Protection Act 1994*, its regulations or its environmental protection policies;
- *Environmental Offsets Act 2014*;
- *Greenhouse Gas Storage Act 2009;*
- *Petroleum Act 1923;*
- Petroleum and Gas (Production and Safety) Act 2004*;*
- *Regional Planning Interests Act 2014*;
- *Waste Reduction and Recycling Act 2011*;
- the *Acts Interpretation Act 1954*;
- the Macquarie Dictionary (taking account of the context in which the word or phrase is used in this document).

For example, environmental value, environmental harm, environmental nuisance, material environmental harm, serious environmental harm and relevant act are defined in the EP Act and groundwater is defined in the Environmental Protection Regulation 2019.

Defined words or phrases in the singular include the plural and vice versa.

Term	Definition
activity	the code-managed environmentally relevant activity to which this ERA Code relates.
disturbed	means any area that has had its previous state altered by the action or interference of carrying out the activity.
fish passage	means the ability for fish to move upstream and downstream through a watercourse and between connected habitats without undue obstruction.
flow path	means a continuous route by which water moves through a watercourse, including any channel, depression, culvert, crossing or other structure, that maintains hydraulic connectivity within the watercourse.

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linear infrastructure	means powerlines, roads and access tracks
low impact seismic surveys	does not cause disruption to the soil profile through earthworks or result in significant disturbance to land which cannot be rehabilitated immediately after the activity is completed. Examples include seismic lines utilising existing cleared tracks or where grassy vegetation is shortened (i.e. by using a slasher) and fallen woody debris is removed.
rehabilitation	Means the process of reshaping and revegetating land to restore it to a stable landform and in accordance with acceptance criteria and, where relevant, includes remediation of contaminated land.
Sensitive place	• a dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel) • a library, childcare centre, kindergarten, school, university or other educational institution • a medical centre, surgery or hospital • a protected area • a public park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment • a work place used as an office or for business or commercial purposes, which is not part of the activity(ies) and does not include employees accommodation or public roads • for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2019.
Significantly disturbed	land is ***significantly disturbed*** if – • it is contaminated land; or • it has been disturbed by the activity and human intervention is needed to rehabilitate it – o to a condition required under the relevant ERA Code; or o if the ERA Code does not require the land to be rehabilitated to a particular condition – to the condition it was in immediately before the disturbance. Examples of a disturbance to land include the covering, compaction, exposure, removal or stockpiling of soil or other material, or the destruction or removal of vegetation.
topsoil	means the surface (top) layer of a soil profile, which is more fertile, darker in colour, better structured and supports greater biological activity than underlying layers. The surface layer may vary in depth depending on soil forming factors, including parent material, location and slope, but generally is not greater than about 300mm in depth from the natural surface.
waterway providing for the passage	Means a waterway providing for the passage of fish as identified in the *Fisheries Act 1994*.

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For consultation purposes only:

The code-managed ERAs are proposed to be defined within Schedule 3A of the Environmental Protection Regulation 2019. The code-managed ERA defines the activity suitable to operate under an ERA Code. The final wording for these definitions may change subject to regulatory drafting, however intent will remain.

Code-managed ERA X – Petroleum Activity on a Data Acquisition Authority

(1) The petroleum activity (the relevant activity) consists of data acquisition activities on a data acquisition authority, where the relevant activity:

A) does not, or will not, at any time cause more than 5 hectares of l land on the relevant tenure to be significantly disturbed

(2) For this section:

data acquisition activities has the meaning given to it under the *Petroleum and Gas (production and Safety) Act 2004*.

data acquisition authority means the petroleum tenement under the *Petroleum and Gas (production and Safety) Act 2004*.

land is ***significantly disturbed*** if –

1. it is contaminated land; or
2. it has been disturbed by the petroleum activity and human intervention is needed to rehabilitate it –
   a. to a condition required under the relevant ERA Code; or
   b. if the ERA Code does not require the land to be rehabilitated to a particular condition – to the condition it was in immediately before the disturbance.

mitigation measures for a relevant activity, are activities carried out to avoid or minimise the release of fine sediment, or dissolved inorganic nitrogen, to Great Barrier Reef catchment waters, because of the relevant activity being carried out.

Code-managed ERA XX – GHG Storage Activity on a Data Acquisition Authority

(1) The GHG Storage Activity (the relevant activity) consists of data acquisition activities on a GHG data acquisition authority, where the relevant activity:

B) does not, or will not, at any time cause more than 5 hectares of land on the relevant tenure to be significantly disturbed

(2) For this section:

data acquisition activities has the meaning given to it under the *Greenhouse Gas Storage Act 2009*.

GHG data acquisition authority means the petroleum tenement under the *Greenhouse Gas Storage Act 2009*.

land is ***significantly disturbed*** if –

1. it is contaminated land; or
2. it has been disturbed by the petroleum activity and human intervention is needed to rehabilitate it –
   a. to a condition required under the relevant ERA Code; or
   b. if the ERA Code does not require the land to be rehabilitated to a particular condition – to the condition it was in immediately before the disturbance.

mitigation measures for a relevant activity, are activities carried out to avoid or minimise the release of fine sediment, or dissolved inorganic nitrogen, to Great Barrier Reef catchment waters, because of the relevant activity being carried out.

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