Environmentally Relevant Activity Code for a Water Monitoring 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 Water Monitoring Authority *activities for the purposes of the Mineral Resources Act 1989, Petroleum and Gas (Production and Safety) Act 2004 and the Petroleum Act 1923.*

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 for code-managed ERA X – Petroleum activity on a water monitoring authority or code-managed ERA XX – Mining activity on a water monitoring 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 water monitoring authority or Code-managed ERA XX – Mining activity on a water monitoring authority		
Tenure Description	Legislation:	*Mineral Resources Act 1989* *Petroleum and Gas (Production and Safety) Act 2004* *Petroleum Act 1923*
	Tenement Type:	Water Monitoring Authority
Activity	Water monitoring 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 a resource activity on a water monitoring authority but cannot meet the definition of the relevant code-managed ERA 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.
A3	The location of activities must be selected to: a) prioritise avoiding, or otherwise minimise and mitigate, impacts on vegetation or other areas of ecological value; b) minimise disturbance to land that may result in land degradation

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	c) minimise isolation, fragmentation or dissection of tracts of vegetation d) minimise clearing of mature or hollow bearing trees.
A4	Water monitoring activities that require earthworks, vegetation clearing and/or placing fill, 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.
B	**Waste**
B1	Waste, including waste fluids and residual drilling material must be transported off-site for lawful re-use, remediation, recycling or disposal.
B2	Sumps may be used for residual drilling material and drilling fluids only for the duration of drilling activities.
C	**Activities**
C1	Construction and maintenance of infrastructure for water monitoring activities must be carried out in a manner that protects the integrity of the groundwater resource and in accordance with applicable standards as follows: a) the *Minimum construction requirements for water bores in Australia*; b) *Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland*. Where there are inconsistencies between the *Minimum construction requirements for water bores in Australia* and the *Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland*, the *Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland* must be followed.
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 water monitoring activities must be rehabilitated within six months.
D2	1. Any infrastructure from water monitoring activities must be removed, unless agreed to in writing by the landholder to remain. 2. Where water monitoring activity infrastructure will be converted to a water bore it must undertaken in accordance with current edition of the relevant standards listed in C1. 3. Decommissioning of water monitoring activity infrastructure intersecting artesian sediments must be undertaken in accordance with the *Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland*. 4. All other infrastructure from water monitoring activities that will be decommissioned must be undertaken in accordance with the current edition of the standards listed in condition C1 where applicable.
D3	Rehabilitation works must be completed so that: a) the disturbed areas are reshaped to a stable landform;

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	b) surface drainage lines are re-established; c) topsoil is reinstated; and d) the land is revegetated to be consistent with the surrounding undisturbed land.
D4	All areas disturbed by the activity on the water monitoring authority must be rehabilitated before – a) the tenure expires; or b) the tenure is surrendered.
D5	Erosion and sediment control measures must be implemented to prevent the release of sediment from disturbed areas.

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*;
- *Regional Planning Interests Act 2014*;

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- *Waste Reduction and Recycling Act 2011*;
- *Mineral Resources Act 1989*;
- *Petroleum Act 1923*;
- *Petroleum and Gas (Production and Safety) Act 2004*
- 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.
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.

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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 – A petroleum activity on a water monitoring authority

1. The petroleum activity (the ***relevant activity***) consists of water monitoring activities on a water monitoring authority, where the relevant activity:
   a) does not, or will not, at any time cause more than 5 hectares of total land on the relevant tenure to be significantly disturbed;
2. For this section:

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.

(1) was released to the water because of the relevant activity; and

(2) remains, or is likely to remain, in the water despite mitigation measures for the relevant activity.

water monitoring activities:

   c. for a water monitoring authority under the *Petroleum Act 1923*, has the meaning given to it under that Act; or
   d. for a water monitoring authority under the *Petroleum and Gas (production and Safety) Act 2004*, has the meaning given to it under that Act.

water monitoring authority means the petroleum tenement under either the *Petroleum Act 1923* or the *Petroleum and Gas (production and Safety) Act 2004.*

Code-managed ERA XX – A mining activity on a water monitoring authority

1. The petroleum activity (the ***relevant activity***) consists of water monitoring activities on a water monitoring authority, where the relevant activity:
   a) does not, or will not, at any time cause more than 5 hectares of the total land on the relevant tenure to be significantly disturbed;
2. For this section:

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

1. it is contaminated land; or
2. it has been disturbed by the mining 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.

water monitoring activities has the meaning given to it under the *Mineral Resources Act 1989*.

water monitoring authority means the mining tenement under the *Mineral Resources Act 1989.*

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