



Queensland
Government

Department of Regional Development,
Manufacturing and Water



Accepted development requirements for taking overland flow water to satisfy the requirements of an environmental authority or a development permit for carrying out an environmentally relevant activity

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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 Department of 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 Legislation 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).
3.05	06/06/2022	Update departmental branding and template.
4.00	22/11/2022	Updated title to accepted development requirements. Removed reference to self-assessable codes and replaced with accepted development requirements to align with water and planning legislation. Updated departmental branding and template.

Approval

Position	Name	Date
Director, Water Management Implementation and Measurement Initiatives	Toni Stiles	22/11/2022

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1. Development these requirements apply to

The accepted development requirements in this document apply 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 (EA); or
- a development permit for carrying out an environmentally relevant activity (ERA).

For the purposes of the *Planning Act 2016* (Planning Act), development in accordance with this document is considered accepted development.

This document applies where the operational works for the taking of overland flow water are identified as accepted development in the *Water Regulation 2016* (Water Regulation). Water plans may also limit the volume of overland flow water able to be taken through these operational works.

This document replaces the 'Code for self-assessable development for the taking of overland flow water to satisfy the requirements of an environmental authority or a development permit for carrying out an environmentally relevant activity'.

If the proposed work does not comply with the accepted development requirements, the work is not accepted development. Work that is not accepted development is assessable development and requires a development application to be submitted to the State Assessment and Referral Agency (SARA) of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) prior to starting construction.

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

Overland flow water that is being taken, using works constructed in accordance with this document, 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.

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

2. How to use this document

This document states the requirements that must be complied with in order for works to be considered accepted development.

The definitions at the end of the document define specific terms that are used within this document. If a term is not included in the definitions, it may be defined in the *Water Act 2000* (Water Act), *Environmental Protection Act 1994* (EP Act) or the *Planning Act*.

- Section 3 outlines accepted development requirements for works that take overland flow to satisfy the requirements of an environmental authority or a development permit for carrying out an environmentally relevant activity.
- Section 4 outlines accepted development requirements for non-mining activities.
- Section 5 outlines accepted development requirements for geothermal activity, mining activity, greenhouse gas storage activity or petroleum activity.

This document is reviewed periodically and may be amended. To ensure the current version of the document is used visit www.business.qld.gov.au and search for 'accepted development requirements'.

3. Requirements for all works

3.1 Water legislation

The purpose of this document 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 are:

- consistent with the purposes of the applicable water plan and the Water Regulation 2016 (Schedule 9).
- constructed to, as far as practicable, minimise the impact of the works on overland flow with regard to neighbouring properties, the environment and downstream users of overland flow water.
- consistent with the person's authority to take overland flow water.

3.2 Operational works

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).
- 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 document **does not** apply to:

- overland flow works where the storage associated with the works is of a greater capacity than the maximum capacity 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.

3.3 Limitation on storage volume

Works constructed under these requirements 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.

3.4 Accepted development requirements

Table 1 specifies the accepted development requirements that must also be satisfied.

Table 1: Accepted development requirements for overland flow works to satisfy an EA or Development Permit for an ERA

Accepted development requirements
Physical impacts of overland flow works on neighbouring properties are minimised. <ul style="list-style-type: none">• The overland flow works are contained within land subject to the ERA or development permit.• At fully supply level, the area inundated is contained within the boundaries of the ERA or development permit.

Accepted development requirements

- 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 at which is exited the property prior to construction of the works.

4. Accepted development requirements for non-mining activities

In addition to the requirements in section 3, the holder of a development permit for an ERA must also meet the following accepted development requirements.

4.1 Notification of works

The holder of a development permit for an ERA must notify the local departmental office of the location and capacity of works constructed under this document within 60 business days of completion of construction of the works.

The notification of works under this section must consist of a:

- completed copy of the *Notification form for accepted development works to take overland flow water for an environmentally relevant activity* (form W2F083) available on the Business Queensland website at www.business.qld.gov.au
- a copy of the relevant development permit for an ERA.

5. Accepted development requirements for geothermal activity, mining activity, greenhouse gas storage activity or petroleum activity

In addition to the requirements in section 3, the holder of an environmental authority (a geothermal activity, a mining activity, greenhouse gas storage activity or petroleum activity) must also meet the following accepted development requirements.

5.1 Notification of works

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 document within 60 business days of completion of construction of the work.

The notification of works under this section must consist of a:

- completed copy of the *Notification form for accepted development works to take overland flow water for an environmentally relevant activity* (form W2F083) available on the Business Queensland website at www.business.qld.gov.au
- a copy of the relevant environmental authority for the mining activity, greenhouse gas storage activity or petroleum activity.

The first notification must also include the approximate location and capacity of works intended to be constructed under this document 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 document 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 document over the next 12 months.

6. Definitions

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.

Contaminated agricultural run-off water means overland flow water that contains, or is likely to contain, excess nutrients or farm chemicals at levels potentially harmful to the quality of water in a watercourse, lake or spring.

Environmental authority or EA means an environmental authority issued under section 195 of the *Environmental Protection Act 1994* that approves an environmentally relevant activity applied for in an application.

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

- an agricultural ERA
- a resource activity (geothermal activity, greenhouse gas storage activity, mining activity, or petroleum activity)
- another activity prescribed under section 19 of the *Environmental Protection Act 1994* as an environmentally relevant activity.

Person includes an individual and a corporation.

Overland flow water is defined in Schedule 4 of the *Water Act 2000*.

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