

Bore assessments and make good agreements

What is a bore assessment?

A bore assessment is undertaken by a petroleum tenure holder to establish whether the bore is, or is likely to be, impacted (i.e. have an impaired capacity) by the extraction of underground water associated with petroleum operations.

What is the difference between a baseline assessment and a bore assessment?

A baseline assessment establishes benchmark data about the condition and capacity of water bores, prior to any impacts from petroleum operations. A baseline assessment will be the reference point for subsequent bore assessments.

When a bore assessment is undertaken?

A bore assessment must be undertaken:

- If an underground water impact report (UWIR) or an amendment of a UIWR takes effect, for water bores located in an immediately affected area.
- If a final report, (when the tenure is about to cease) or an amendment of a final report, takes effect for any water bores in a long-term affected area.
- If the chief executive of the Department of Environment and Heritage Protection (EHP) directs the tenure holder to undertake a bore assessment.

Who undertakes a bore assessment?

If a bore is within a cumulative management area (CMA), the responsible tenure holder identified in the UWIR must undertake the bore assessment. Otherwise, the tenure holder who holds the tenure over the land on which the bore is located is responsible for undertaking the bore assessment.

What happens when the water supply from a bore is reduced?

Bore owners who notice a reduction in a bore's performance to the extent that it is causing some difficulty, should contact the responsible petroleum tenure holder. If the bore owner is unsure which tenure holder is responsible, or is having difficulty in dealing with the tenure holder, they should contact the Queensland Government's CSG/LNG hotline 13 25 23.

The bore owner will need to provide relevant

information about the water bore to the tenure holder to allow them to undertake an investigation to determine if the bore is being affected by the petroleum operations.

The information that the bore owner should provide (if it is known, available or applicable) includes:

- the location of the bore and its registered number
- the drillers log for the bore
- the aquifer or aquifers the bore is tapping
- the depth of the bore and its construction details
- the use of the bore (such as domestic, stock watering or other purposes)
- associated water licence number(s) and development permit number for the bore
- bore infrastructure and reticulation system details and records of when it was installed, including pump setting, pump type, riser and headwork details
- water use and water level records
- information about the reduction in water supply.

The more information a bore owner can supply, the more useful it will be for the investigation. The petroleum tenure holder is responsible for testing and investigations.

The proposed scope of the investigation will be discussed with the bore owners prior to any work being undertaken. The bore owner may facilitate the investigation by allowing the tenure holder to remove pumping equipment or headwork from the bore and/or undertake testing to complete their investigation. The company may require an agreement with the bore owner to undertake this work.

Impaired capacity in a water bore

An existing water bore (bores in existence before the first UWIR for the area takes effect) is considered to have an impaired capacity where:

- There is a decline in the water level of an aquifer due to extraction of water by the petroleum tenure holder.
- The bore can no longer provide a reasonable quantity or quality of water for its authorised use or purpose.

For new bores (water bores that are constructed after

the first UWIR for the area takes effect), a bore is considered to have an impaired capacity where:

- The requirements for establishing an impaired capacity for an existing bore are met; and
- The decline in the aquifer's water level is greater than predicted in the UWIR.

Bore assessments

Bore assessments must be undertaken in accordance with the bore assessment guideline which is published on the EHP website.

The petroleum tenure holder must notify the bore owner at least 10 business days before conducting the assessment.

The bore owner may also be requested to give information to the petroleum tenure holder about the location of water bores on their land and other information that may be reasonably required.

Outcome of a bore assessment

The Office of Groundwater Impact Assessment (OGIA) is responsible for maintaining a database of information about underground water and the data collected through bore assessments will be recorded in this database.

After a bore assessment has been undertaken, the petroleum tenure holder must give both the owner of the water bore and OGIA a notice of the outcome.

Make good agreements

The outcome of a bore assessment provides the obligation for the tenure holder to enter into a make good agreement with the bore owner. A make good agreement is an arrangement between a tenure holder and water bore owner.

If it is determined through the bore assessment that a bore has, or is likely to have, an impaired capacity the make good agreement must provide details on the make good measures to be undertaken by the petroleum tenure holder to make good the impact.

A make good agreement must also be prepared:

- If a UWIR has not taken effect, but the tenure holder believes the water bore has an impaired capacity.
- If a final report has taken effect (when the tenure is about to cease) for water bores identified in a long-term affected area.
- If the chief executive believes urgent action is necessary to restore water supply to a water bore or prevent a bore having an impaired capacity.

What is included in a make good agreement?

The make good agreement between a tenure holder and a water bore owner must provide for:

- The outcomes of water bore assessments undertaken by the petroleum tenure holder.
- Whether the water bore has, or is likely to, experience an impaired capacity.
- The measures the petroleum tenure holder will take if the bore has an impaired capacity.

What are make good measures?

Make good measures can include measures that:

- Ensure the bore owner has access to a reasonable quantity and quality of water for the water bore's authorised purpose for example:
 - Adding a rising main to lower the pump setting in the bore.
 - Increasing the water column above the pump.
 - Improving the pressure at the bore head, including new headworks and piping, if the affected supply is artesian.
 - Changing the pump so that it is better suited to the decreased water level in the bore.
 - Deepening the bore to allow it to tap a deeper part of the aquifer.
 - Reconditioning of the water bore to improve its hydraulic efficiency.
 - Drilling a new bore.
 - Providing an alternate water supply.
- Carry out a plan to monitor the water bore, for example, by undertaking periodic bore assessments.
- Provide the water bore owner compensation (monetary or otherwise) for the bore's impaired capacity.

Changing the terms of a make good agreement

The tenure holder or bore owner can negotiate to change the terms of a make good agreement when either of the parties discovers that:

- There is a material change in the circumstances.
- One or more of the make good measures agreed upon are not effective.
- Another effective and more efficient make good measure is available.

Who is bound by the make good agreement?

The make good agreement binds the tenure holder and the water bore owner. The agreement is also binding on anyone who inherits title of the tenure and the water bore and any person to whom the title of the water bore/tenure is transferred.

Tenure holders must make their best effort to enter

into a make good agreement and reimburse the bore owner for any reasonable legal or valuation costs in negotiating the agreement.

Disagreements about a make good agreement

If the parties do not agree on the terms, or one party fails to comply with the agreement, a request can be made to the chief executive of EHP to negotiate a resolution.

Either party may also request agreement via the Alternative Dispute Resolution (ADR) process.

More information

- Call the CSG/LNG Hotline 13 25 23
- Visit www.lng.industry.qld.gov.au