

Australian Capital Territory

# Utilities (Dam Safety Code) Variation Determination 2003

## Disallowable instrument DI2003—27

made under the

*Utilities Act 2000*, s 61 (Variation) and s 65 (Application of industry code provisions)

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On 21 December 2000 the Minister for Urban Services determined a Dam Safety Code (“the Code”) under section 236 of the *Utilities Act 2000* (“the Act”) and gave notice of the determination in Gazette No. S69 of 21 December 2000.

Under sections 61 and 65 of the Act I:

- 1 give notice that I approve the variations to the Code that appear in the Schedule to this instrument; and
- 2 state that copies of the code as varied will be made available for public inspection at the office of the Independent Competition and Regulatory Commission.

Simon Corbell  
Minister for Planning  
4 March 2003

## **1 Application**

Delete clause 1.1 and substitute:

### **‘1.1 Application**

This Code applies to **Water Utilities** and **Sewerage Utilities**.’

## **2 Changes Caused by the Change in Application**

In each of:

Heading to clause 3.1

Clause 3.1

Heading to clause 3.2

First paragraph of clause 3.2

First paragraph of clause 4.1

First paragraph of clause 6.1

Heading to clause 7.1

First paragraph of clause 7.1

Delete the words “**Water Utility**” and substitute the words “**Water Utility** and **Sewerage Utility**”

In clause 6.2(6)

Delete the words “**Water Utility**” and substitute the words “**Water Utility** or **Sewerage Utility**”

## **3 Dam Safety Emergency Plans**

Delete clause 5 and substitute:

### **‘5. DAM SAFETY EMERGENCY PLANS**

#### **5.1 Preparation of Dam Safety Emergency Plans**

Each **Water Utility** and **Sewerage Utility** must, within six months of the grant of its **Utility Services Licence**, and annually thereafter:

- (1) prepare a draft Dam Safety Emergency Plan for each Dam that it owns and/or operates (subject to clauses 6 and 7 below); and
- (2) submit the Dam Safety Emergency Plans to the Chief Executive for approval.

The Utility must make available its electronic inundation mapping data as requested by the Chief Executive.

#### **5.2 Contents of Dam Safety Emergency Plans**

The contents of a Dam Safety Emergency Plan must conform to the contents set out in Section 8.5 of the **ANCOLD Guidelines** and comply with the following specific requirements:

- (1) Under “Emergency Identification, Evaluation and Classification” each Dam Safety Emergency Plan must:
  - (a) include flooding, earthquake and any other potential cause of dam failure in the emergency conditions considered;
  - (b) identify the Hazard Category of the **Dam** as defined by the ANCOLD “Guidelines on Assessment of the Consequences of Dam Failure” (May 2000); and
  - (c) prescribe dam emergency preparedness alerts corresponding to each emergency classification.
- (2) The following inundation maps must be prepared in the format required for the Flood Sub-plan of the ACT Disaster Plan:
  - (a) a map or set of maps for **Sunny Day Dam Failure**;
  - (b) a second map or set of maps showing the extent of:
    - (i) the **Imminent Failure Flood** without dam failure; and
    - (ii) the **Probable Maximum Flood**. If the **Probable Maximum Flood** would cause dam failure then the mapped flood extent should include the effect of the failure.

The inundation mapping must cover all populated areas in the ACT at risk of inundation as a result of failure of the dam. Flood wave travel times must be provided for all areas in the ACT at risk of inundation as a result of failure of the dam.
- (3) When identifying persons, organisations and agencies with responsibilities relevant to the Dam Safety Emergency Plan, the **Water Utility** or **Sewerage Utility** must consider the following:
  - (a) all relevant management officers and staff employed by the **Water Utility** or **Sewerage Utility**, for example, Chief Executive Officer, Duty Officer, Dam Manager, Dam Safety Engineer; and
  - (b) all relevant emergency service organisations, for example, ACT Police (Australian Federal Police), the ACT Emergency Services Bureau, NSW State Emergency Services and NSW Police.
- (4) Despite the provisions of the **ANCOLD Guidelines**, the Notification Flowchart must include position titles, but need not identify the names of position holders.

### 5.3 Contact List

For each Dam Safety Emergency Plan the **Water Utility** or **Sewerage Utility** must provide a list of the names and contact details for each position title in the Notification Flowchart. The **Water Utility** or **Sewerage Utility** must:

- (1) update this list at intervals not exceeding six months; and
- (2) provide a copy of the list or updated list for each Dam Safety Emergency Plan to the **Chief Executive** and to each organisation, agency or individual having responsibilities under the plan.

### 5.4 Approval of Dam Safety Emergency Plans

As soon as practicable after the **Water Utility** or **Sewerage Utility** submits the Dam Safety Emergency Plans to the **Chief Executive** for approval, the **Chief Executive** must:

- (1) consult with interested parties including, but not limited to, the ACT Emergency Services Bureau; and
- (2) either:
  - (a) approve the Dam Safety Emergency Plans or
  - (b) require the **Water Utility** or **Sewerage Utility** to amend one or more of the Dam Safety Emergency Plans.

### 5.5 Amendments to Proposed Dam Safety Emergency Plans

The **Chief Executive** may direct a **Water Utility** or **Sewerage Utility** to amend a proposed Dam Safety Emergency Plan only if, in the **Chief Executive's** opinion, the proposed plan does not adequately address a matter referred to in clause 5.2.

### 5.6 Water Utility and Sewerage Utility to Make Proposed Amendments

If the **Chief Executive** directs a **Water Utility** or **Sewerage Utility** to amend a proposed Dam Safety Emergency Plan under clause 5.4, the **Water Utility** or **Sewerage Utility** must in good faith prepare a revised Plan and submit it to the **Chief Executive** for approval within 14 days of receipt of the **Chief Executive's** direction.

### 5.7 Chief Executive Distribution of Dam Safety Emergency Plans

As soon as practicable after approving a Dam Safety Emergency Plan, the **Chief Executive** must provide a copy of the Plan to interested parties including, but not limited to, the ACT Emergency Services Bureau.

## 5.8 Maintenance of Dam Safety Emergency Plans

The **Water Utility** or **Sewerage Utility** must test and review each Dam Safety Emergency Plan in accordance with Section 8.6 of the **ANCOLD Guidelines**. The testing and review must be undertaken at least as often as recommended in the **ANCOLD Guidelines**.

## 4 Cotter River Dams, NSW Dams and Emergency Event Training

Insert the following clauses after clause 5:

### ‘5A. COTTER RIVER DAMS

One Dam Safety Emergency Plan may be submitted for all the **Dams** on the Cotter River provided the plan meets all the other requirements of this Code for each **Dam**. Inundation mapping must extend downstream to include the Casuarina Sands area on the Murrumbidgee River. Local inundation maps must also be provided for populated areas downstream of Casuarina Sands.

### 5B. NSW DAMS

#### 5B.1 Dam Surveillance Reports

A dam Surveillance Report

- (1) for a **Dam** which is located in NSW and is a Prescribed Dam under the Dam Safety Act 1978 (NSW);
- (2) which is prepared to the requirements of that Act; and
- (3) for which the **Water Utility** provides evidence to the **Chief Executive** that those NSW requirements have been met

satisfies the requirements of this Code for a dam Surveillance Report.

#### 5B.2 Dam Safety Emergency Plans

A Dam Safety Emergency Plan:

- (1) for a **Dam** which is located in NSW and is a Prescribed Dam under the Dam Safety Act 1978 (NSW);
- (2) which is prepared to the requirements of that Act; and
- (3) for which the **Water Utility** provides evidence to the **Chief Executive** that those NSW requirements have been met

need not undergo the consultation and approval processes specified in clause 5 of this Code except in relation to:

- (1) the roles and responsibilities, including arrangements for notification, of ACT agencies; and
- (2) whether the inundation mapping of land within the ACT complies with clause 5.2(2). The extent of inundation mapping for a flood entering the ACT along the Molonglo River must include all of the flood affected areas within the ACT upstream of Scrivener dam, but is not required to be extended downstream of Scrivener dam.

## 5C. EMERGENCY EVENT TRAINING

A **Utility** must ensure that its employees and officers understand, and have had training in, their duties and authorisations during an **Emergency Event**.’

### 5 Utility Records

Insert the following paragraph at the end of clause 7.1:

‘The records must be made available for inspection as requested by the **Chief Executive**.’

### 6 Minor Editorial Changes

In clause 3.1 delete the words “by them” and substitute with the words “by that **Utility**”.

In clause 3.1(1) before the phrase “**ANCOLD Guidelines**” insert the word “the”.

In clause 3.1(1) before the phrase “**NSW Dam Safety Committee**” insert the word “the”.

Delete clauses 3.2(2), 3.2(3) and 3.2(4) and substitute with: “

- (2) states for each requirement whether the **Water Utility** or **Sewerage Utility** has complied with that requirement during the year to which the report applies;”
- (3) where the **Water Utility** or **Sewerage Utility** failed to comply with any requirement, identifies measures to ensure that the **Water Utility** or **Sewerage Utility** will comply with that requirement as soon as practicable; and”
- (4) where the **Water Utility** or **Sewerage Utility** failed to comply with any requirement, states whether the **Water Utility** or **Sewerage Utility** subsequently complied with that requirement and, if it did not, why it did not.”

In clause 4.1 substitute the phrase “Each Dam Surveillance Program” with the phrase “A Dam Surveillance Program”

In clause 4.1(3) delete the word “include” and substitute with the phrase “provide for”.

In clause 4.1(4) delete the word “include” and substitute with the phrase “provide for”.

Delete clause 6.3 and substitute with:

**“6.3 The Chief Executive May Give Direction to Utility**

The **Chief Executive** may give a direction to the **Water Utility** or **Sewerage Utility** if, after receiving an **Emergency Event** Report, the **Chief Executive** is not satisfied with:

- (1) a **Water Utility’s** or **Sewerage Utility’s** adherence to its respective Dam Safety Emergency Plan following an Emergency Event; or
- (2) a **Water Utility’s** or **Sewerage Utility’s** compliance with the **ANCOLD Guidelines** or the **NSW Dam Safety Committee Technical Guidelines** following an **Emergency Event.**”

## **7 Numbering**

Renumber the clauses.

## **8 Dictionary – New Definitions**

After the definition of “**Emergency Event**” insert the definition:

“**Hazard Category**” means the scale of adverse consequences subsequent to a dam failure;’

After the definition of “**ICRC**” insert the definition:

“**Imminent Failure Flood**” means the flood event which when routed through the reservoir initially at **Top Water Level**, with the existing spillway, just threatens failure of the dam;’

After the definition of “**NSW Dam Safety Committee Technical Guidelines**” insert the definitions:

“**Probable Maximum Flood**” means the flood hydrograph resulting from **Probable Maximum Precipitation** and, where applicable, snowmelt, coupled with the worst flood-producing conditions that can realistically be expected in the prevailing meteorological conditions;

“**Probable Maximum Precipitation**” means the theoretical greatest depth of precipitation for a given duration that is physically possible over a particular drainage basin;’

After the definition of “**Probable Maximum Precipitation**” insert the definition:

“**Sewerage Utility**” has the same meaning and functions as defined under the **Act**;

After the definition of “**Sewerage Utility**” insert the definition:

“**Sunny Day Dam Failure**” means a dam failure which is not significantly affected by a natural flood occurring at the same time;

After the definition of “**Territory**” insert the definition:

“**Top Water Level**” means the level of water surface when the reservoir is at maximum operating level, excluding periods of flood discharge; ’

## **9 Dictionary - Numbering**

Renumber the definitions in the Dictionary.