

Utilities (Dam Safety Code) Variation Determination 2008 (No 1)

Disallowable instrument DI2008—241

made under the

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

1 Name of instrument

This instrument is the *Utilities (Dam Safety Code) Variation Determination 2008 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Approval of variation of technical code

The Minister responsible for Part 5 of the *Utilities Act 2000* approves the variation to the *Dam Safety Code* (March 2003) as proposed by ACTEW Corporation Limited on 18 August 2008 and set out in the attached schedule.

4 Public access to documents

Copies of the Dam Safety Code (September 2008) are available for inspection by members of the public during business hours at the ACT Planning and Land Authority offices, Dame Patty Menzies House, 16 Challis Street, Dickson, ACT, and on the Authority's website (www.actpla.act.gov.au).

Andrew Barr
Minister for Planning
9 September 2008

The Dam Safety Code (March 2003) is varied as follows:

PURPOSE OF THIS CODE

In clause **1.2 Purpose** insert the words “designed, constructed, commissioned, and” after “properly”, so that the revised clause reads:

“The purpose of this Code is to ensure **Dams** are properly designed, constructed, commissioned, and managed in order to prevent unsafe operation and/or failure that can, in turn, cause loss of life and damage to property and the environment.”

DESIGN, CONSTRUCTION AND COMMISSIONING OF DAMS

After clause **2 Dictionary**, insert a **new clause 3** headed ‘Design, Construction and Commissioning of Dams’

Insert the following words and then re-number sequentially all subsequent clauses:

3 DESIGN, CONSTRUCTION AND COMMISSIONING OF DAMS

“3.1 Each Water Utility and Sewerage Utility Must Comply with Guidelines

Each **Water Utility** and **Sewerage Utility** must design, construct and commission any new **Dams** or modify any existing **Dams** in accordance with current good industry and engineering practice, and in accordance with:

- (1) the ANCOLD Guidelines; and
- (2) the NSW Dam Safety Committee Technical Guidelines.

In particular, each **Water Utility** and **Sewerage Utility** must ensure that all work complies with the processes set out in the **NSW Dam Safety Committee** publication *DSC14 - Requirements for Submission of Information by Dam Owners*.

3.2 Each Water Utility and Sewerage Utility to Report on Compliance

Each **Water Utility** and **Sewerage Utility** designing, constructing or commissioning a new **Dam** or modifying an existing **Dam** must submit design and construction information and reports as required by the **NSW Dam Safety Committee Technical Guidelines** to the **Chief Executive** (instead of to the relevant party under those guidelines).

Notwithstanding this, the **Chief Executive** may instead require each **Water Utility** or **Sewerage Utility** to submit design and construction information and reports directly to the **NSW Dam Safety Committee** (or other expert reviewer) and require the **Utility** to notify the **Chief Executive** of the date and the nature of a submission and

any resulting advice or recommendation of the **NSW Dam Safety Committee** in relation to that submission.

For the purposes of compliance with section 3 of this Code, where an approval, decision or consent is required to be obtained by a **Water Utility** or **Sewerage Utility** under a **NSW Dam Safety Committee Technical Guideline**, the relevant guideline is to be read as though the approval, decision or consent is to be obtained from the **Chief Executive**.

In making or withholding any approval, decision or consent under section 3 of this Code, the **Chief Executive** will consider any advice or recommendation from the **NSW Dam Safety Committee**.”

SCHEDULE 1: DAMS

In **Schedule 1: Dams**, insert a new number (2) followed by the words: “The dam known as the Enlarged Cotter Dam located on the Cotter River downstream of the Cotter Dam”, so that the revised Schedule reads:

- (1) The dam known as Cotter Dam located on the Cotter River.
- (2) The dam known as the Enlarged Cotter Dam located on the Cotter River downstream of the Cotter Dam.
- (3) The dam known as Bendora Dam located on the Cotter River.
- (4) The dam known as Corin Dam located on the Cotter River.
- (5) The dam known as Googong Dam located on the Queanbeyan River.
- (6) The Lower Molonglo Water Quality Control Centre Bypass Storage Dam.