

# AUSTRALIAN CAPITAL TERRITORY

## UTILITIES ACT 2000

### UTILITIES (DAM SAFETY CODE) VARIATION DETERMINATION 2003

#### Disallowable instrument DI2003—27

#### EXPLANATORY STATEMENT

Part 5 of the *Utilities Act 2000* (the Act) provides for the making and variation of technical codes as part of the requirements that licensed utilities must observe. Provisions for technical codes are set out as variations on the provisions of Part 4 of the Act for industry codes. Sections 61 and 65 of the Act provide for the variation of technical codes. Section 236 of the Act allowed the determination of first technical codes.

Under section 62 of the Act, a variation of a technical code is a disallowable instrument.

On 21 December 2000 the Minister for Urban Services determined first technical codes including a Dam Safety Code (“the Code”) in Instrument No 369 of 2000. Notification of the making of this determination was published in Gazette No S69 of 21 December 2000. The present instrument varies the Code in the following ways:

#### **Application**

- 1 Clause 1.1 is changed to extend the application of the code from water utilities to sewerage utilities.

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

- 2 Clauses 3.1, 3.2, 4.1, 5.1, 6.1, 6.2 and 7.1 are changed to extend the application of the code from water utilities to sewerage utilities. Other clauses where such a change would also be necessary are replaced as indicated below.

#### **Dam Safety Emergency Plans**

- 3 Clause 5 concerning Dam Emergency Preparedness Plans is changed to provide:

- (1) Terminology consistent with Australian industry practice as defined by the Australian Committee on Large Dams (ANCOLD) and by the NSW

Dam Safety Committee which administers the Dam Safety Act 1978 (NSW) under which Googong Dam is a Prescribed Dam.

- (2) Compliance consistent with requirements specified in guidelines published by ANCOLD. These requirements include obligations for hazard category identification and for testing and review of the Dam Safety Emergency Plans.
- (3) A departure from the ANCOLD Guidelines in that the notification flowchart should not show names of officers, only position titles.
- (4) Clarification of the scenarios for inundation mapping, as in one case the original Code specified a departure from standard industry practice and in another case the term used (“overtopping floods”) was unclear.
- (5) Clarification of the geographical extent of inundation mapping (for the Cotter River dams restricted to the ACT border, and for Googong Dam restricted to Scrivener Dam).

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

4 New clauses are inserted to:

- (1) Allow the approval of a single Dam Safety Emergency Plan to cover all the Cotter River dams provided all other Code requirements are met for each dam. Grouping these dams in a single plan is desirable since the safety of Bendora and Cotter dams is affected by the integrity of the upstream dam or dams and because of their closely related hydrological characteristics and integrated warning and access systems.
- (2) Accept NSW approval of a Dam Emergency Preparedness Plan for a NSW dam as satisfying some compliance requirements under the Code.
- (3) Require Utility personnel to be trained in relation to emergency events as is required in the Emergency Planning Code.

### **Utility Records**

- 5 The clause is modified by inserting a paragraph requiring utility records must be made available for inspection.

### **Minor Editorial Changes**

- 6 Minor editorial changes are made to a number of clauses

### **Numbering**

- 7 Clauses are renumbered to account for new clauses.

## **Dictionary –New Definitions**

8 The Dictionary is modified by adding the definitions of:

“Hazard Category”, “Imminent Failure Flood”, “Probable Maximum Flood”, “Probable Maximum Precipitation” and “Top Water Level”, in accordance with the modified clause 5; and

“Sewerage Utility”, in accordance with the change in the application of the Code.

## **Dictionary - Numbering**

9 The items in the modified Dictionary are renumbered.

Copies of the code will be made available for public inspection at the offices of the Independent Competition and Regulatory Commission. These offices are currently located at Level 7, FAI House, 197 London Circuit, Civic ACT 2601. Under section 63 of the Act the Commission’s office is a place where copies of industry codes made under Part 4 of the Act must be available for public inspection.